

NATIONAL MUNICIPAL REVIEW

FEBRUARY 1951

VOLUME XL, NO. 2

News for League Members	65
Questions About Civilian Defense	<i>Editorial</i>
'Therefore Is the Name . . Babel'	<i>Roscoe C. Martin</i>
The Professor Is a Politician	<i>Stuart A. MacCorkle</i>
Direct Legislation Laboratory	<i>Winston W. Crouch</i>
Illinois Votes the Blue Ballot	<i>William O. Winter and Robert A. McGrath</i>
States Called on to Redistrict for Congress	92
Manager Plan Proposed for Baton Rouge	100
Israel Elects Municipal Councils by P. R.	102
States and Cities Face Defense Problems	104
Tax Deductions for Civic Support	107
University Bureau Heads Talk Shop	114

PUBLISHED BY THE
NATIONAL MUNICIPAL LEAGUE

The National Municipal Review

ALFRED WILLOUGHBY, Editor

ELSIE S. PARKER, Assistant Editor

CONTRIBUTING EDITORS

JOHN BAUER, Public Utilities
JOHN E. BEBOUT, Research
RICHARD S. CHILDS
GEORGE H. HALLETT, JR.
Proportional Representation

ELWYN A. MAUCK, County and Township
H. M. OLMSTED, City, State and Nation
WADE S. SMITH, Taxation and Finance
WM. REDIN WOODWARD,
Proportional Representation

STATE CORRESPONDENTS

H. F. ALDERFER, *Pennsylvania*
CARTER W. ATKINS, *Connecticut*
MYRON H. ATKINSON, *North Dakota*
CHESTER BIESEN, *Washington*
D. BENTON BISER, *Maryland*
ERNEST M. BLACK, *Oklahoma*
JOHN C. BOLLENS, *California*
WILLIAM L. BRADSHAW, *Missouri*
ARTHUR W. BROMAGE, *Michigan*
ALVIN A. BURGER, *New Jersey*
CHARLTON F. CHUTE, *Pennsylvania*
WELDON COOPER, *Virginia*
EDWIN A. COTTRELL, *California*
C. A. CROSSER, *Washington*
D. MACK EASTON, *Colorado*
WILLIAM O. FARBER, *South Dakota*
DAVID FUDGE, *Oklahoma*
PHILIP L. GAMBLE, *Massachusetts*
ROBERT M. GOODRICH, *Rhode Island*
MRS. LEONARD HAAS, *Georgia*
M. H. HARRIS, *Utah*
SAM HAYS, *Arkansas*
ROBERT B. HIGHS AW, *Mississippi*
JACK E. HOLMES, *New Mexico*
ORREN C. HORMELL, *Maine*
HERMAN KEHRLI, *Oregon*
PAUL KELSO, *Arizona*

DRYDEN KUSER, *Nevada*
LANE W. LANCASTER, *Nebraska*
JOHN D. LANGMUIR, *New Hampshire*
CHRISTIAN L. LARSEN, *Maryland*
STUART A. MACCORKLE, *Texas*
BOYD A. MARTIN, *Idaho*
EDWARD M. MARTIN, *Illinois*
JAMES W. MARTIN, *Kentucky*
DAYTON D. MCKEAN, *New Hampshire*
EDWIN B. MCPHERON, *Indiana*
WILLIAM MILLER, *New Jersey*
LENNOX L. MOAK, *Pennsylvania*
ANDREW E. NUQUIST, *Vermont*
FRANK W. PRESCOTT, *Tennessee*
ABBETT PULLIAM, *New York*
JOHN E. REEVES, *Kentucky*
ROLAND R. RENNE, *Montana*
PAUL N. REYNOLDS, *Wisconsin*
RUSSELL M. ROSS, *Iowa*
LLOYD M. SHORT, *Minnesota*
GEORGE C. SIPPRELL, *New York*
JOHN C. STUTZ, *Kansas*
HERMAN H. TRACHSEL, *Wyoming*
PAUL W. WAGER, *North Carolina*
HARVEY WALKER, *Ohio*
YORK WILLBERN, *Alabama*
JOHN F. WILLMOTT, *Florida*

Published by THE NATIONAL MUNICIPAL LEAGUE

Henry Bruere, President

John S. Linen, *Vice President*
George S. Van Schaick, *Vice President*
Richard S. Childs, *Chairman, Executive Committee*

Carl H. Pforzheimer, *Treasurer*
Alfred Willoughby, *Secretary*

COUNCIL

Charles Edison, *West Orange, N. J., Chairman*

Frederick E. Baker, *Seattle*
Frederick L. Bird, *New York*
Albert D. Cash, *Cincinnati*
L. P. Cookingham, *Kansas City, Mo.*
James A. Cunningham, *Chicago*
Thomas C. Desmond, *Newburgh, N. Y.*
Karl Detzer, *Leland, Mich.*
Harold W. Dodds, *Princeton, N. J.*
Rev. Edward Dowling, *S. J., St. Louis*
Herbert Emmerich, *Chicago*
J. W. Esterline, *Indianapolis*
Max E. Friedmann, *Milwaukee*
Arnold Frye, *New York*
George H. Gallup, *Princeton, N. J.*
Mrs. Siegel W. Judd, *Grand Rapids*
Mrs. Virgil Loeb, *St. Louis*
Mrs. Thomas H. Mahony, *Boston*

L. E. Marlowe, *Richmond*
Roscoe C. Martin, *Syracuse*
Spencer Miller, Jr., *Springfield, Mass.*
Frank C. Moore, *Kenmore, N. Y.*
Ben Moreell, *Pittsburgh*
James M. Osborn, *New Haven*
Kenneth Perry, *New Brunswick, N. J.*
Walter M. Phillips, *Philadelphia*
Lawson Purdy, *New York*
F. E. Schuchman, *Pittsburgh*
Murray Seasongood, *Cincinnati*
Carrol M. Shanks, *Newark*
Henry L. Shattuck, *Boston*
Richard Weil, Jr., *Englewood, N. J.*
A. C. White, *San Antonio*
Wilson W. Wyatt, *Louisville*

REGIONAL VICE PRESIDENTS

John W. Agnew, *Boston*
James L. Beebe, *Los Angeles*
James W. Clise, *Seattle*
William Collins, *New York*

Arthur E. Johnson, *Denver*
John Nuveen, *Chicago*
Ed. P. Phillips, *Richmond*
Charles P. Taft, *Cincinnati*

NEWS for League Members

Bruere Installed as President

Fourteen officers and council members participated January 12 in welcoming and installing Henry Bruère, chairman of the board of The Bowery Savings Bank, New York, as the fourteenth president of the National Municipal League.

"Welcome aboard!" Charles Edison, retiring president who had served since 1947, said at the close of a brief talk at the luncheon, which was held at the Lawyers Club, New York.

"As chairman of the council," Mr. Edison said, "I will continue to be just as active and just as interested."

Referring to the newly published book, *A Half Century of Municipal Reform: A History of the National Municipal League*, Mr. Edison recalled the contribution of the League's services to progress in state and local affairs, told of the increase of membership and financial support during his presidency and urged continued effort to strengthen the organization.

He expressed appreciation of the cooperation of William Collins, chairman of the finance committee; John S. Linen, vice president; Arthur E. Johnson, regional vice president, and others. Richard S. Childs, who has served as chairman of the council since 1927, and who has been elected chairman of the executive committee, outlined plans to obtain foundation support for some of the League's projects.

George S. Van Schaick, second vice president, presided. Also present were Frederick L. Bird, Harold S. Batten-

heim, William Collins, Bayard H. Faulkner, Arnold Frye, John S. Linen, James M. Osborn, Carl H. Pforzheimer, John D. Venable and Alfred Willoughby.

Mr. Bruère, one of the organizers of the first governmental research bureau, is a former member of the League's council.

A Record Broken

National Municipal League membership reached the highest point in its history at the end of 1950, with a gain of 12 per cent during the year.

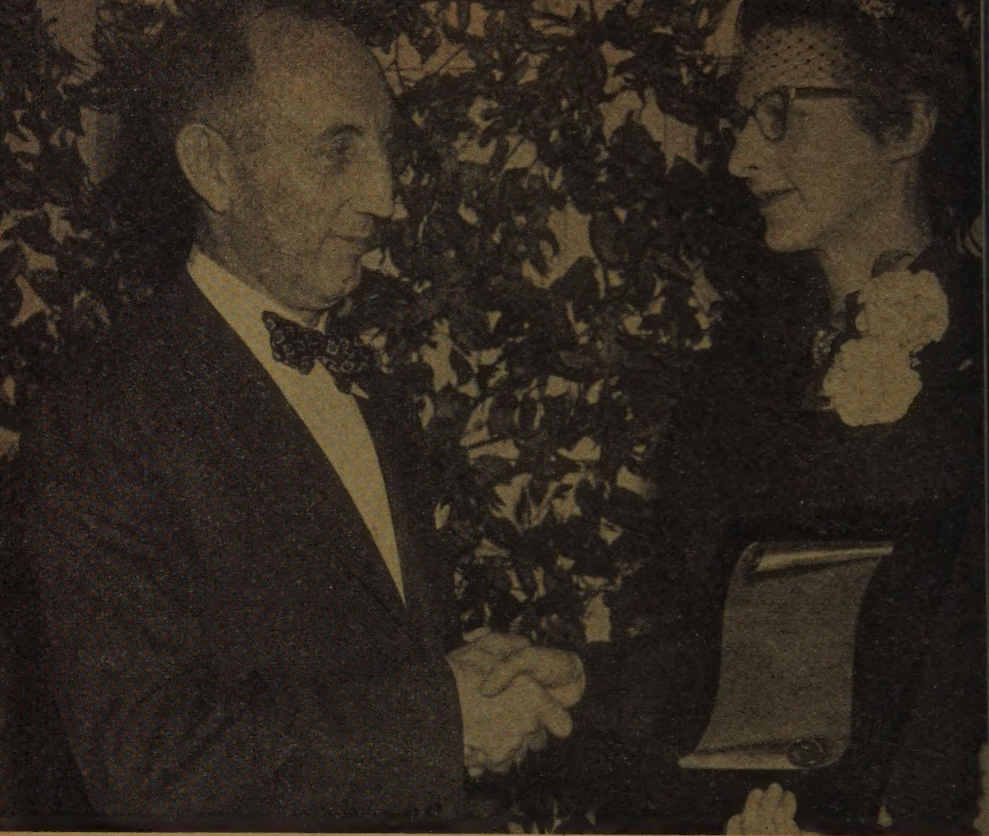
The membership has increased about 83 per cent since the lowest point during World War II when many members went abroad with the armed forces or on technical assignments for the government.

**"Welcome aboard! You can
count on me to help."**

HENRY BRUERE

CHARLES EDISON





**Mrs. Maurice H. Noun receiving the Lane Bryant Award
from Raphael Malsin, president of Lane Bryant**

Award Winner Writes a Letter

Mrs. Maurice H. Noun and Mrs. Theodore Stroud, former presidents of the Des Moines League of Women Voters, who recently visited New York to accept the Lane Bryant Award "for volunteer service to the community" on behalf of their organization sat down together when they got home and wrote a letter to 109 civic-minded friends:

Because I am thoroughly convinced that the National Municipal League is a unique force for good government in America today, I am writing to a few Des Moines people who I know are interested in good government to ask their support of the League.

Here in Des Moines, we found the National Municipal League's literature and professional advice indispensable in our campaign for the city manager plan.

You may remember that Richard S. Childs of the League came here at his own expense to speak and to advise the Citizens' Committee on the conduct of the campaign. The National Municipal League continues to stand ready to serve us any time we need further help with local governmental problems.

I am enclosing a leaflet which describes what the League stands for and who its officers are. I hope very much that you are as convinced as I of the value of contributing financially to it and that you will mail me your check for a \$1 sustaining membership. Contributions to the National Municipal League are income tax deductible.

Sincerely yours, LOUISE R. NOUN

Two days later Mrs. Noun started to mail batches of checks and membership applications to the League. She enrolled 45 of the 109.

More NEWS page 1

National Municipal Review

Volume XL, No. 2

Total Number 407

Published monthly except August
By NATIONAL MUNICIPAL LEAGUE

Contents for February 1951

NEWS FOR LEAGUE MEMBERS	65
EDITORIAL COMMENT	68
'THEREFORE IS THE NAME .. BABEL'	<i>Roscoe C. Martin</i> 70
THE PROFESSOR IS A POLITICIAN	<i>Stuart A. MacCorkle</i> 76
DIRECT LEGISLATION LABORATORY	<i>Winston W. Crouch</i> 81
ILLINOIS VOTES THE BLUE BALLOT <i>William O. Winter and Robert A. McGrath</i>	88
NEWS IN REVIEW	
CITY, STATE AND NATION	<i>H. M. Olmsted</i> 92
COUNTY AND TOWNSHIP	<i>Elwyn A. Mauck</i> 100
PROPORTIONAL REPRESENTATION	<i>George H. Hallett, Jr.</i> <i>and Wm. Redin Woodward</i> 102
TAXATION AND FINANCE	<i>Wade S. Smith</i> 104
CITIZEN ACTION	<i>Elsie S. Parker</i> 107
RESEARCHER'S DIGEST	<i>John E. Bebout</i> 114
BOOKS IN REVIEW	119

The contents of the REVIEW are indexed in *Index to Legal Periodicals*,
International Index to Periodicals and *Public Affairs Information Service*.

Entered as second class matter July 11, 1932, at the Post Office at Worcester,
Massachusetts. Publication office, 150 Fremont Street, Worcester 3; editorial
and business office, 299 Broadway, New York 7. Copyright 1951 by the National
Municipal League.

Subscription, \$5 per year; Canadian, \$5.25; foreign, \$5.50;
single copies 50 cents.

Editorial Comment

Questions About Civilian Defense

CIVILIAN defense throughout a prolonged crisis is bound to have a profound effect on our local institutions, on intergovernmental relations, on citizen organization and on habits of citizen action.

This is the chief reason the present confusion and argument on civilian defense are matters of grave concern. Another reason is that, until we get together on it better, civilian defense simply won't be ready to meet a serious test.

One of the first requirements of a sound defense is that the people concerned should believe in it. This is particularly true of civilian defense because it requires cooperation of all citizens and many public and private agencies without the unifying compulsion of round-the-clock military discipline.

People are asking themselves a host of difficult and sometimes embarrassing questions about the *why*, the *what* and the *how* of civilian defense. Sometimes these questions are heard in public. More often they are raised in the private conversations which are so important in generating public opinion in a democracy.

Doubtless there are good answers to many of these questions. Others certainly need to be more thoroughly explored. In every case there should be wider understanding and agreement. Here are some of the questions:

1. Are we preparing to defend ourselves against the right things? The atom bomb gets the publicity. Are we putting appropriate emphasis

on the threat from other weapons and from sabotage?

2. Are we striking a right balance between efforts to keep bombs from dropping and efforts to minimize the damage after they have dropped? In the long run would five billion dollars spent on air-raid shelters be unusable for any peacetime purposes? Do as much good as the same money spent on radar and guns to keep as many bombs as possible from reaching targets?

3. Is civilian defense planning fully coordinated with over-all diplomatic, military and industrial planning?

4. Has there been enough participation by representatives of state and local governments and the appropriate private agencies—American Red Cross, for example—in the *planning* of civilian defense in Washington to insure the practicability and acceptability of plans requiring their effective and whole-hearted cooperation?

5. Assuming that an expensive air-raid shelter program is needed, is it reasonable or safe to make it depend on substantial financing by state and local governments, especially in view of (a) the limiting effect of present and prospective federal tax policies on state and local revenue sources, (b) the unequal distribution of critical areas, and (c) the fact that governments in many such areas are struggling to meet minimum needs for school, health and other public facilities that are vital to the current and future security of our way of life?

6. Has the fact that bombs and other disasters will not respect municipal or even state lines been fully recognized in defense planning and organization? What good is an elaborate, well manned defense set-up in a two-mile-by-four municipality if it is not fully coordinated with equally well developed organizations throughout a whole urban and suburban or metropolitan area? Should not the region, rather than the municipality, be the primary local unit for civilian defense?

7. Have the lessons learned in England during the last war been fully applied to our own defense planning? For example, did not English experience demonstrate the necessity for putting civilian defense frankly on a regional basis, let the local boundaries lie where they may?

8. Has the scope of civilian defense been clearly and properly defined? Is it simply disaster defense for "critical areas" or does it include morale building and other projects involving everybody?

9. Do those in charge of civilian defense fully practice the knowledge that one of the basic defense needs is to conserve manpower and other resources?

This may prove to be the most serious question of all. The fact that most of the manpower in civilian defense is either "voluntary" or "borrowed" does not necessarily mean that it is surplus or free. A health officer in an already undermanned local health department simply has no "surplus" time during working hours. Even the night and weekend hours contributed by pri-

vate citizens may be at the expense of one or more of the voluntary civic or welfare activities upon which our system depends as much as it does on government and industry. If every householder used all the critical materials and labor needed to make his cellar a semi-bombproof castle, as some have recommended, the resulting bottlenecks would choke a dozen essential trades and industries.

By all means let's give civilian defense whatever time and substance we can and should divert from less essential purposes. But every person responsible for the effort must remember that defense alone will not prevent or win the war. A bright or plausible idea is not a plan and should not become a directive or call to action until it has been double-checked to make sure it will fit, not break, the total picture.

The American people respond well to a need if it is adequately demonstrated. The general complaint that too few people take civilian defense seriously enough to take reasonable private precautions or to volunteer for community service, while others are acting as jittery as chickens with their heads off, suggests that there has been a basic failure to give the public the information it needs.

Probably the Russians could turn a sort of civilian defense on and off on orders from the Kremlin. One of the things we're ready to fight for is the right of the people to think for themselves. If policy-makers in civilian defense and in other matters will keep that everlastingly in mind, they will have no occasion to doubt the response of the people.

'Therefore Is the Name .. Babel'

Amid the tumult and the shouting of the specialists, who is there to speak for either the citizen or the government?

By ROSCOE C. MARTIN*

THE most stirring writing in the English language today is found in the sentences which provide the "filler" at the end of the column in any American newspaper. There I learned recently that Assam has an area of 67,334 square miles; and that the old upper town of Biella, in Italy, lies at an elevation of 1,558 feet. There I also learned that there is in use a single turbine with a horsepower capacity three billion times that of a human being and that one man can now make by machinery as many needles in a day as 17,000 men could make by hand 100 years ago.

These gliblets are interesting for one who takes his news in reflective mood. They are interesting, and they are significant, properly placed and viewed in perspective—not so much Assam and Biella, to be sure, as the turbine and the industrial machine. These things could not be, the industrial revolution could not have come to pass, the society to which it gave birth could not begin to discharge its manifold tasks, but for an almost unbelievably diverse and specialized way of life. It is about our way of life, and particularly about that portion of our daily existence called government, that I wish to speak.

*Dr. Martin is professor and head of the Department of Political Science at Syracuse University. This article is his address before the National Municipal League's National Conference on Government, Buffalo, New York, November 20, 1950.

Evidence of the extreme degree of specialization to which we have come is found in almost every act of our daily living. Nobody does a complete job any more but every man does a little segment of the entire job. Consider an occupation with which you will be familiar. Time was when an automobile mechanic was an automobile mechanic. Thirty years ago when a Model T wheezed into a shop the mechanic (there was only one) swung into action: he replaced the spring on the rear shock absorber; working his way forward, he took a couple of turns around the muffler with baling wire, removed a broken cotter pin from the point of the manifold neto post, filed the points (if he could get the wooden coils out of the box) and broke an egg into the radiator to stop a leak, all without requisition or other written process.

Today in any well ordered shop there is a corps of "underneath" men divided generally into front end men, middle men and rear end men; there are engine men, including the combustion engineer who regulates the carburetor, the compression engineer who heads the department of gaske and the ignition engineer who clears the plugs and sets the points; and there is a superintendent of circulation in charge of radiators. A friend of mine who is a circulation engineer recently went away to attend a factory refresher course. He returned after three months with a handsome

ly engraved certificate, which he showed with pardonable pride. "What does that mean?" I asked, pointing to the letters F. R. G. S. which appeared after his name. "Fellow Who Removes Gunk Safely," he replied.

The medical profession, to choose an illustration from a different level, is notorious for the number of pigeon-holes in which its knowledge has been filed. Gone are the days of the general practitioner, who has fallen before the onslaughts of the ophthalmologist, the urologist, the gynecologist, the pediatrician, the dermatologist, the obstetrician, the orthopedist, to name a random sampling. Even where developments have confirmed early and tentative specialization, terminology has been modified to suit the new indulgence. For example, the old ear, nose and throat man of 25 years ago, who confessed unashamedly that that was what he was, has given way to the otolaryngorhinologist.

These modern medicine men work their wonders in ways that could not but make Hippocrates envious: they manipulate cyrtographs and laryngoscopes; they treat patients for niphotyphlosis and osteomyelitis; they perform vasectomies and epididymidectomies; they administer iodomethane and trimethylxanthine. No record of a conversation between an otologist and a forensic psychiatrist has come to my attention but I am certain no lay citizen who might hear such a conversation would have any option but to consider it strictly confidential.

While I do not wish to make extravagant claims for education, it is

probably in this field that specialization has reached its fullest flowering. Without even adverting to the primary school system, public and private, or to the manifold vocational schools—business colleges, schools of music, welders' institutes and the like—let us observe that almost any institution of higher learning which pretends to the name "university" will have not less than ten or a dozen schools and colleges.

Here in very truth "confusion . . . hath made his masterpiece!" It is not just that these various schools with their endless separate departments deal with the problems of living in such segmented fashion as largely to remove their treatment from the realm of reality; it's that communication among the various faculties is either impossible, unprofitable or meaningless. It's that one scientist finds it difficult to talk to another or one sociologist to another. Within a particular field, indeed, conversation may be strained: one demographer may emphasize fertility to the exclusion of all things else, another may place equally exclusive emphasis on mortality!

Public Loyalties Shift

But to turn now to the arena of public affairs. In other times, ways of life and living were comparatively uncomplicated. Society was less complex than now in its organization; the functions of government were few, or at any rate fewer than they have come latterly to be; and men had homes to live in, and they lived there. "And the whole earth was of one language and of one speech"—or at any rate that part of the whole earth

which was the United States of America was.

One product of this relatively undifferentiated society was a loyalty (or set of loyalties) based on geographical considerations. The fierce local patriotisms which won fame for "The Gentleman from Buncombe," which caused the eastern visitor from Kansas to refer to New York City as "the Wichita of the East"—these are symbolic of the day when our principal loyalties were to friends and neighbors at home. That geographical loyalties remain strong, particularly in the rural sections, is not sufficient proof that such loyalties were not more appropriate to other days and other ways. It is not without relevance that Irvin Cobb wrote *Back Home* in 1912. He penned a monument to a passing era.

The last quarter-century has witnessed many profound changes in our society, but none, I think, more far-reaching than those which concern the field of government. The fruition, though perhaps not the full or final fruition, of the "welfare state" has placed an entirely new emphasis on function performed. If government 50 years ago was largely general government, government today increasingly is specialized government. It is road building and maintenance, it is education, it is the providing of hospital service—and all without much emphasis on the unit of government which is to do the job. Thus considerations of geography give way to considerations of function, and common men everywhere look to see how the show goes, not who the star is. Interest and concern tend to become program-

centered rather than county-city-state-centered, and loyalties tend to follow interest and concern. In short, program (or administrative) loyalties tend to supplant the geographical loyalties of other days.

A Schizoid Government Emerges

It would be difficult to overemphasize the significance of the changes for the administration of public affairs. For one thing, we now face the constant pressure of organizational imperialism which, though clearly discernible 50 years ago, was nothing like as virulent in form then as the variety found today. In the federal government, in the state, in the city interdepartmental rivalries are common and fratricidal struggles among units of the same department is not unknown. These pressures and resistances result from the "edifice complex" of which psychologists speak.

Such organizational imperialism is not all bad and in any case it appears quite inevitable, seeing that the immediate job to be done has replaced the administration of general government as the end sought in the eyes of nearly everyone concerned. The central fact, however, remains that organizational imperialism does exist and that it has basic significance for those who study and practice public administration and for the public that pays the bills and (ultimately) calls the tune.

Emphasis on program, or better, a number of individual and not always compatible programs, as to multiple end served by government has certain other important effects which we should note briefly. If,

we have observed, citizens more and more bestow their loyalties on particular programs, it follows as a short and logical next step that they tend to become enamored of "causes." Every person in this audience has friends who give hours every day to the Parent-Teacher Association, while others spend their days working at the problems of prison reform. It is once more a short and fairly logical step from support of a cause to support of the administrative agency responsible for the program it represents—indeed, the two things frequently are indistinguishable in the mind of the citizen. Thus citizen support builds up for this or that or the other program, or more accurately and in the aggregate for many programs, since nearly every governmental activity will find at least some public support.

Such citizen support of course is not always as guileless as I have thus far made it seem. The various professions and vocations have their several interests in government, and they do not hesitate to make their wishes known. Thus the doctors take as their special province the department of public health, whether state or municipal, and they plump for public health, as understood and interpreted by the organized medical profession, in fair weather and in foul. (That public health programs effective now for the better part of a century savor strongly of "socialized medicine," as that term is defined currently by the American Medical Association, appears to have escaped the medicos completely. But this is not the place to dwell on such relatively minor inconsistencies in the

medical profession.) Also instructive is the case of the lawyers, most of whom would be shocked by the suggestion that the public at large has some stake in the regulation of the bar. And teachers, engineers, accountants, nurses, plumbers, architects, all bring their influence to bear when and where they feel it is needed.

I do not speak of pressure groups in any necessarily critical sense but of citizen groups and organizations, most of them entirely legitimate and proper in their purpose, but each marshaling its strength behind an individual activity of government.

Further Evidences of Separatism

Another manifestation of the new separatism is found in the gospel of independent boards for individual programs. One will find in a state as many as 50 separate boards, sometimes more, each charged with responsibility for administering a program in a particular field. In the cities, school boards, park boards, recreation boards, planning boards, police commissions and so on—any municipal official can name a dozen out of his own experience—are too numerous and too much with us to require extended comment. It is not meant to argue here the case of the board as an administrative agency but only to point out that, whatever attributes they may have in addition, administrative boards have the basic effect of setting certain chosen functions apart from the general activities of government, and so of pulling the total program of government off balance.

Still another evidence of adminis-

trative atomization is to be found in the use of earmarked funds—funds which are set aside for specified purposes and which can be used only for those purposes. Among the several interesting aspects of this practice two warrant mention in the present context: first, some group or groups have not been willing to entrust the program in question to the democratic process of annual appropriation; and second, a part of the whole program of government is called up once more for special consideration and is given preferential treatment over other and perhaps equally significant activities. In one state more than 90 per cent of all the money spent by the various state agencies each year comes from earmarked funds. In such a situation there can be no true budget, while legislative action on appropriations becomes largely a formality.

The last of our illustrations will be found in the myriads of special districts and authorities. Here I do not wish to base the argument on the increased complexity of government which these units make for, though there is a case to be made on that score. Let us be content merely to note that the undeniable trend toward special districts and authorities means more and more that prior attention will be given to certain selected activities of government, almost unavoidably at the expense of other activities and of the total administrative program.

It may be worth while to observe in passing that special districts and authorities normally come into being because units of general government fail (or refuse, or neglect) to render

satisfactorily all the services demanded by the public. This would suggest that one antidote to government by special districts is the adoption of more vigorous action programs by the areas of general government, and specifically by the towns and cities.

Decline of the Generalist

The other side of the coin of administrative dispersiveness is, of course, the specialization with which this discussion began. The overwhelming fact in our administrative history of the last quarter-century is that, as subject-matter specialists have tended to increase in number and know-how, the man of general competence has faded more and more into the background. And there is not only room in our governmental system for the man who knows less about some things but more about many things: there is positive and crying need for such men. The politician is, of course, the generalist *par excellence*. That politicians may be currently in ill-repute is in no sense cause for denial of the services they are prepared to render in a democracy.

Here is a strange and extremely significant circumstance: there are more people interested in civic affairs than ever before, there are more conferences and more speeches and more books on the subject than ever before; yet we continue to drift deeper and deeper into the morass of schism, as though guided inexorably by some unseen hand.

There are literally hundreds of organizations whose chief concern is public affairs: a 1948 directory lists

approximately 2,300 such organizations, of which 565 were national and 1,654 state. We have, indeed, reached the point in our striving for administrative articulation where the more we organize the less organized we become. This is so because the organization of specialty groups proceeds at the cost of total social organization.

The problem is to direct thinking, or at least *some* thinking, into channels suggested by contemplation of the total problem of society. A good second-best calls for contemplation of large and important segments of the total problem of society.

Prospects for His Re-birth

There are, of course, organizations and agencies which attempt to do precisely this thing. One of the chief of these is the American Society for Public Administration, which emphasizes in its journal and its annual conference the general problems of administration. Another is the Public Administration Clearing House, which seeks to give general direction to the programs of a number of specialty organizations.

Another still is the National Municipal League, which for more than half a century has treated of the problems of cities and states in terms of civic leadership and citizen action. The League and its annual conference give proven promise that the public's need for good government at the community level will not fail of intelligent consideration for want of vigorous sponsorship.

It is not without significance that

the League for 40 years has been the principal proponent of the council-manager plan, under which a generalist in the person of the city manager assumes prime responsibility for the city's administrative affairs. The office of manager, whether city or county, appears to offer our one best hope for a general as opposed to a particularistic approach to the administration of local affairs.

"The fortuitous or casual concourse of atoms" is no longer as fortuitous or casual as when Richard Bentley wrote in the 18th century. On the contrary, the concourse of atoms which we know in the 20th century is designed and purposeful. It is as yet too early to know for what this concourse is, or is to be, designed. Thus far we have seen in dramatic form only the destructive results of atomic fission, though there is evidence to justify the expectation that atomic energy will prove of the first importance also for peacetime uses.

The atomic scientists themselves have proved to be the world's most consummate specialists. By group development of a process which, it was said a few years ago, no single individual could follow all the way through, they have provided a means for the full and complete atomization of society, indeed mayhap of the world itself. Thus is the course of specialization reduced to absurdity precisely through the prospect of complete realization. Salvation will be found not through atomization, but through synthesization. The problem is not fission, but fusion.

The Professor Is a Politician

Serving on city council teaches educator how unprivate public life is but, in spite of everything, he likes it.

By **STUART A. MacCORKLE***

AUSTIN is a city of approximately 132,000 people, the capital of the state and the seat of the University of Texas. It is largely a residential city. There is a limited amount of small industry and manufacturing—the type which, for the most part, best fits into a cultural and residential community. Austin is known the country over as a good place in which to live.

Our city government has been the council-manager type since 1926. It had only two managers in a period of 24 years. The third was appointed in the summer of 1950. Since adoption of this plan Austin has always had five councilmen, all elected at large at the same time for two-years. The council chooses one of its number to serve as mayor and the group works as a committee of the whole. It is seldom that special committees are appointed.

The city manager is the chief administrative officer both in law and in practice. The charter makes it unlawful for the council or any of its members to dictate the appointment of any person to office or

employment by the manager or in any manner to interfere with him in the appointment of officers or employees. The manager is made responsible for the appointment and removal of all officers and employees of the city except the judge and clerk of the corporation court, the health officer, members of the Board of Equalization and the city treasurer. The council is forbidden, except for the purpose of inquiry, from dealing with the administrative services except through the manager.

Relationships between the council and the manager always present problems. If these relationships are to be harmonious, there must be an understanding attitude existing between the parties involved. The council must realize that its true function is that of policy making and the administration must hew to the line that its major function is that of carrying out the policy as set forth by the legislative body.

This is a simple and trite statement but the fact is that it is one of the most difficult to execute. As a matter of fact, no one but a beginning student in political science knows where to draw the line between policy making and policy execution. At best, the line of demarcation between the two is a twilight zone. The very fact that the mayor is chairman of the council makes him, in the eyes of many citizens, the chief administrative officer of the city, and the fact that the

*Dr. MacCorkle is professor of government and director of the Institute of Public Affairs at the University of Texas. Since May 1, 1949, he has been a member of the Austin city council. He has written extensively in the field of public administration. Two of his latest publications are *American Municipal Government and Administration*, (D. C. Heath and Company, 1948) and *Texas Government*, with Dick Smith, (McGraw-Hill Book Company, 1949).

citizens believe and expect him to be more than a chairman of the council often causes the mayor to take an active dish in administration which otherwise he would not do. It is inevitable that he will step across the line at times.

[To a certain extent the same set of circumstances is likewise true of councilmen. They, too, like to get their fingers in administration. The public expects it of them. The function of administration is to provide the policy-making body with the facts upon which its decisions may be based. As one grows older in experience, one tends to become less sure about what constitutes a fact. One asks himself more and more: Were the facts prepared with a particular end in mind? Or were they presented in an impartial manner, letting the chips fall where they will? Or were the facts prepared with the wishes, opinions and prejudices of the council in mind? Government can never be conducted in a vacuum, nor would we want it that way.

A democratic government will always have a human element in it. On the other hand, the facts presented to the council should be as impartial as possible. In Austin our manager takes the responsibility for seeing that the facts are prepared for the council. He presents these to us for consideration. Council members review them in as much detail as they wish and vote according to their own dictates.

It is my belief that members of our council seldom circle the manager and take up administrative matters with department heads. Complaints coming to the council are generally

relayed to the manager for disposal with a statement from the council member to the effect that if the complaint is not handled satisfactorily, the councilmen will be so informed. There are few occasions when minor complaints are referred by the councilmen direct to the departmental head concerned. I believe it could be said, without fear of contradiction, that the manager serves, by and large, as the administrative head of the city.

Council Determines Policy

We are told that a member of the council in the council-manager form of government is in much the same position as one who serves on the board of directors of a large corporation. It is the job of the board to determine over-all policy. The board members should not become so involved in minute details of their jobs that the more important long range problems of the company are neglected.

The councilman, in the same vein, should not allow himself to become a ward foreman or errand boy for those whom he represents. A councilman soon learns that the people have an exaggerated conception of his duties and powers. To many he is the one who should be able to ease every sorrow and right most wrongs. If the councilman is politically ambitious, he must be fondly remembered as a man with a sympathetic ear and a big heart. Being a good councilman and a good fellow at the same time is not easy. This simple truth so many textbook writers have overlooked. It is not only important to know what should

be done but it is equally as essential to know how to get it done and keep it done.

The fact that the average citizen does not understand the principles of council-manager government makes the councilman's job more difficult. Mr. Citizen does not see why the man for whom he voted as a councilman should not personally see that his garbage is collected, his street paved or Mrs. Jones's barking dog carried off to the city pound. As a matter of fact, one of the greatest problems in my experience as a member of the Austin city council has been in getting over to the public the true function of a councilman. We, no doubt, are somewhat to blame for, by and large, councilmen are extroverts—they like publicity and they like to feel that they are personally responsible for getting things done.

One of the crying needs of government on all levels is that of obtaining and keeping good legislators in office. We seem to have trained practically everyone in the city hall except our councilmen. We need more councilmen who are statesmen. By statesmen I mean individuals who vote their own convictions and forget the next election.

Again, let me say that, if the relationship between the council and administration is to be cordial and the right kind of a relationship, there must be a complete understanding by both parties of the functions of each, and this understanding must be transferred to the public. The importance of the latter part of this statement should never be overlooked. Perhaps one of the reasons

why relations between the council the manager and the public are good in Austin is that the council does its business on the front porch. There are few "off-the-record" or "warm-up" sessions and all sessions are open to the manager and the news reporters.

I have been told by some that such practices are bad politically. While it may mean a short political life I feel in the long run the community will benefit. On the other hand, it slows up the legislative process and there are many times since no councilman has had the benefit of his colleagues' thinking when our council does not function with machine-like precision.

Not an Easy Task

Even under the best of working conditions the task of being a councilman is not an easy one. It is time consuming, but so is any job that is well done. My experience teaches me that one who serves in this capacity must, of necessity, give many hours outside of council meetings. I am reminded of a comment made by a wise friend who, just before my election, said, "Stuart, serving on the city council is one of the most difficult and time-consuming jobs that a citizen can undertake. He continued, "You live with the people you govern."

Never a day passes but I realize the truth of this statement. The problems of the community are with you always when you shop, when you stop for a tank of gas, when you lunch with a friend, when you are working in the office and even when you endeavor to spend a quiet eve-

ning at home. Most of us feel ourselves to be experts on our city government—no matter how little we know. This is good and proper. The citizen has a big stake in his city government, and the big stick as well. He pays the bill.

'All Things to All Men'

Often am I reminded of an address which I heard some years ago at a convention of the League of Texas Municipalities, part of which ran something like this: A mayor or councilman must be a man of vision and of ambition, an after-dinner speaker, a night owl—work all day and stay up all night. He must learn to sleep anywhere, to eat from two to six meals a day, to drive through mud and rain, summer or winter, without perspiring or acquiring B.O. He must be a man's man, a ladies' man, a model husband, a father, a devoted son-in-law and a good provider. He must have a good car, an attractive home, belong to a number of clubs or lodges and have ready money for entertainment. He must be a good correspondent, attend civic and political meetings, tournaments and funerals, visit old friends and make new ones, attend conferences, be a good financier and philanthropist.

The late novelist, W. L. George, in describing the English civil service once said of the civil servant: "He must be a man of oil, silver and steel, capable of every delay and grace, suggestive of every sympathy and capable of none, incapable of a lie, always capable of an evasion, determined in public utility, yet not blind to private advancement,

singularly addicted to justice, yet unable to suffer mercy. Not a man but a theorem, a diagram, a syllogism."

My experience as a councilman has taught me that this statement applies equally as well to a legislator. The citizen wants to see his councilman; he wants to hear what he has to say. This may mean that the councilman spends hours riding in parades, addressing luncheon clubs, appearing on PTA programs, being present at dinners, receptions, funerals and fires, and talking with committees of the chamber of commerce or with various other interested groups and organizations about the city's problems. A councilman who is not interested enough to make public appearances, to attend meetings, to view with his own eyes proposed zoning changes—in other words, to meet the people and view their problems—will not for long hold their confidence and respect. Many of the duties and responsibilities of an elected officer cannot be delegated. It is a one-man job and that means long hours and much activity for the people's representative. I, for one, would not change this procedure. Experience is still the best teacher and that holds true for a legislator as well as for an administrator. It also holds true for the councilman of a council-manager city, although I honestly believe that his lot is not so difficult as it might be under another form of city government.

But let me say that I like being on the Austin city council. I wish more of our citizens could serve in this capacity. I wish there were more who were willing to stick out

their necks. I believe they, too, after such an experience, would feel more tolerant of the "city fathers."

It is strange the way we, in this country, regard the people we elect to office. When electing public officers we send up a loud cry for fewer "politicians" in office and more "honest citizens" or "sound businessmen." We vote some of these into office and before long, in our minds, they too become members of that society termed "politicians." We are peculiar in our political thinking. We love our democratic way of life—we will fight and die to maintain it—but we forget that the machinery of democratic government is politics—politics is the science of popular government. Taking city government out of politics would be taking it out of popular control and abandoning democracy.

Sure, there are some drawbacks to being a politician, but my brief experience would lead me to believe that they are exaggerated. You lose a few friends. There are a few who are intolerant and grossly selfish, but the percentage is not large. You will receive more complaints than praise,

but what do you expect? The majority of your fellow citizens will appreciate your efforts even though they do not tell you, for such is human nature. Most of these citizens understand that if the council is to accomplish what they desire all must join forces and work together. The intelligent citizen knows that the council is not there just to protect the real estate owner, the restaurant keeper, the merchant, the carpenter, the plumber or any other group in the community. As a matter of fact, no such group ordinarily comprises a large enough group of voters to elect a candidate. Far more important is the fact that city government cannot function efficiently for any given community if the councilman concludes that his chief concern is to protect the interests of a special group.

It is comforting and satisfying to know that when the facts are presented to most citizens the majority of them respect the councilman who is attempting to do an honest job and who cannot be unduly influenced although they may disagree with the way he voted on a particular item.

Direct Legislation Laboratory

Use of initiative, referendum and recall in California municipalities aids in extension of principles to state.

By WINSTON W. CROUCH*

DOES municipal government provide training in democratic processes which can be transferred to state affairs or to other levels of government? In the past 50 years American cities have developed a number of programs that, when they proved successful at the local level, were taken up by the states. Many features of direct legislation had their origins in city government and California has been a noted laboratory both for municipal government and for direct legislation.

A significant precedent for citizen participation in local affairs was started in that state when the 1879 constitution and the 1883 municipal corporation act authorized incorporation of municipalities only upon petition by the local inhabitants to the county board of supervisors, followed by a referendum within the community. Prior to 1879 cities had been created by special legislative act without reference to the people affected. California's greatest growth in population occurred after 1883, hence most of its municipal corporations came into being by petition and referendum.

Municipal home rule has done much to extend the principles of di-

rect legislation in the western states and in California in particular. The state's 1879 constitution made it possible for cities with more than 3,500 population to prepare a freeholders' charter for submission to the voters. A 1902 constitutional amendment permits 15 per cent of the city's qualified voters to demand an election for a board of freeholders by presenting an initiative petition. Piedmont, Santa Clara, San Mateo and Redondo Beach obtained their original charters in this manner.

Local option, the perennial weapon of the "drys" in liquor fights, served throughout the 1890s and 1900s to crystallize opinion in favor of putting certain policy matters before the electorate. A number of municipalities in Southern California incorporated to permit a local dry majority to oust saloons from the community, a thing they could not do so long as they remained under general county government.

Throughout most of its American history, California has operated on the principle that bonded indebtedness of governments should be incurred only if the voters approved. Bonds for nearly every type of local government unit must be approved by a two-thirds majority of those voting.

San Francisco and Vallejo were the first California cities to adopt the initiative and petition referendum for general municipal legislation. Both

*Dr. Crouch, director of the Bureau of Governmental Research and associate professor at the University of California, Los Angeles, is author and co-author of numerous books, pamphlets and articles on the initiative and referendum as well as on other matters relating to local government.

cities included such provisions in their charters in 1898, although neither employed them for several years.

I. R. and R. Introduced

The most ardent exponent of the initiative and referendum and the inventor of the recall was John Randolph Haynes, a physician who had come out to Los Angeles from Philadelphia and whose practice included most of the leading citizens. He was a member of several charter commissions, was for years a commanding figure in water and power policies of the city and was a regent of the University of California. As a member of the Los Angeles board of freeholders in 1903 he secured adoption of the initiative, referendum and recall in that city.

The initiative was used three years later, when four competing ordinances were presented. One was prepared by a group of irate citizens who sought to oust slaughterhouses from the city. The packinghouse owners were not to be outdone; they circulated three petitions, each with a different solution, but each would have permitted slaughterhouses to operate in certain areas. The first petition was approved by the voters. (It was amended in 1917 on motion of the city council.)

Shortly afterwards the referendum and the recall were also tested. Los Angeles, like many another city in California, Ohio, Illinois and elsewhere at that time, was involved in disputes with railroads, street car companies and public utility companies over franchises for use of public streets and over contracts. The

first petition referenda were concerned with franchises and because so many cities were troubled with this subject, numerous leaders took a long look at the referendum and moved to put it into their municipal charters.

The first use of the recall was typical of the same situation in municipal politics at that time. A Los Angeles councilman was accused of accepting favors from a prominent daily paper in return for a favorable vote upon a city printing contract and in the ensuing special election he was turned out of office. This was a period in which civic leaders were preoccupied with turning out the spoilsmen. In Mayor Brand Whitlock of Toledo was correct, and "The cure for the ills of democracy is more democracy," then the initiative, the referendum and the recall were significant contributions to local self-government.

The Schmitz-Ruef graft trials in San Francisco in 1906 uncovered an inglorious situation in that city. In the civic cleanup that followed the citizens turned to the petition initiative to place many measures on the city ordinance book.

A young special prosecutor named Hiram Johnson rose from the latter stages of the San Francisco trials into the limelight of state politics and led the spectacular and far-reaching state revolt of 1910. Johnson went into the governorship on a platform that gave prominent place to referendum, recall and the direct primary. Immediately following his election Johnson stumped the state for constitutional amendments that provided for the initiative, referendum and recall for state affairs and for all coun-

ties and cities. This was a period of reform and the cities had something to teach the state because they had been more adept at reform, although the state had been generous with home rule thereby permitting the cities that would experiment to do so.

Cities' Experience

What use have the cities made of these devices in approximately 45 years? Experience has varied according to the size of the community. The smaller cities seem to have made little use of the initiative. Cities under 10,000 generally elect a five-member council, a treasurer and a city clerk who is also assessor and election officer. Some of these cities have a regular manager form while others have adopted a modified, administrative officer form. The community is small and council members are known throughout the community; pressure favoring a line of action is made known to the council very directly. More often than not there is factionalism; majorities change rapidly. Petitions are often circulated urging the council to pave a given street or to provide lighting or school crossing guards, but these are aimed to prove to council that a sufficient number of voters want this improvement.

The referendum has been a more attractive device in the small town although it has been used sparingly. Perhaps the factionalism of community politics lends itself better to the referendum, which after all is a device to prevent legislative action. If a majority of council is determined to have a sales tax to supplement

high taxes on real estate, or if the council decides to put in parking meters to relieve congestion in the marketing district along Main Street, a group of merchants is likely to get out a petition against this type of ordinance. Both subjects, sales tax and parking meters, have been involved in several referenda in recent years.

Small towns provide the most unfortunate examples of the recall. Conditions in towns under 10,000 continue to be very much as they were pictured by Bird and Ryan in their excellent book, *The Recall of Public Officials*.¹ Recall of councilmen is likely to be an all too frequent occurrence. Often this may represent a recurrence of the factionalism that was shown at the regular election; both the winning and the losing side show a lack of responsibility. In most instances this frequent use of the recall in smaller cities is symptomatic of the relative youthfulness of the communities, the stress of growing pains, the continual influx of new citizens. As stability sets in, as municipal leaders gain recognition, I look for this use of the recall to lessen. It must be admitted, however, that the recall stirs wide interest and discussion. Not only are petitions circulated but groups of citizens meet to discuss the allegations and defenses, the local papers take sides and there is considerable effort made to get out the vote.

A sampling of medium size cities, a good percentage of which operate under a council-manager form of government, indicates that neither of

¹The Macmillan Company, 1930.

the direct government devices has been used to any extent. Petition referenda have been conspicuously absent in medium size cities in California, especially in the past twenty years. Charter amendments, submitted to the voters by the council, have not been numerous either.

Santa Monica's experience is an illustration. Over 4,000 voters of this suburb signed a petition in 1924 proposing annexation to Los Angeles, ostensibly to obtain a guarantee of water supply that the bigger city could give. However, only 3,479 voters supported this and the anti-annexationists won! In 1938 the police and fire employees went door-to-door circulating a petition to amend the charter to provide a pension fund for the two departments. The city commission opposed the petition and it was defeated overwhelmingly. In 1939 an initiative ordinance prohibiting drilling of oil wells within the city was approved by a majority of eight to one, although only 25 per cent of the registered voters participated. Finally, initiative petitions forced a reluctant commission to start proceedings that led ultimately to a council-manager charter.

Elected officials are occasionally subjected to a recall in medium size cities although conditions differ markedly from the smaller cities. Pasadena presents an unusual example of a city that recalled its entire council. In the 1930s a bad factional split appeared in the council, aggravated by the fiscal problems that developed from an over-grandiose civic center scheme and tax troubles of the depression years.

This city, a well-to-do residential suburb, had had little citizen action, but in this troubled time an organization composed largely of professional people sprang into being. After much conferring they decided to try to oust the entire council and developed a slate pledged only to work in harmony; specific plans or issues were avoided. The recall forces put on a vigorous campaign, supported by the chief newspaper, emphasizing the need for harmony and action at city hall. The entire slate went in and some elected that day have continued to serve. Elected officials appear now to enjoy the community's full confidence.

Use in Large Cities

Los Angeles and San Francisco, the largest cities of the state, have tended to place numerous matters on their ballots: charter amendments, bond referenda, public policy referenda, etc., most of which originated with the city council but required voter approval. Los Angeles generally has submitted policy matters at municipal elections held at times other than statewide elections, whereas San Francisco as a city-county has used the state general election for local matters.

San Francisco voters, therefore, are constantly presented with a large number of policy matters. The all-time high occurred in November 1928, when the city submitted 40 propositions and the state nineteen. On the same ballot were presidential electors, candidates for United States Senate, Congress, state legislature and board of supervisors! Nevertheless, because San Francisco does com-

bine local and state elections, a higher percentage of the voters are attracted. For example, 79 per cent of the registered voters accepted the "bed sheet" ballot in 1928 and voted on the issues presented there. Los Angeles has been able to arouse only an average of 46 per cent of its registered voters for the separate municipal elections, although candidates as well as propositions are involved.

Experience in these two cities seems to parallel that in the state in that there is no correlation between the length of the ballot and the percentage of the voters who go to the polls. There also appears to be little correlation between place on the ballot and the percentage of voters who express an opinion upon a proposal; place has little to do with its chances for success. Almost without exception matters placed on the ballot by petition receive a higher vote than do matters submitted by the council or state legislature, regardless of position on the ballot.

Vote upon candidates, particularly for mayor and for governor, continues to be heavier than that for any proposition. In the two large cities propositions to recall a municipal official have polled a higher vote than any initiative or charter amendment. For example, two efforts to recall mayors in Los Angeles, the attempted recall of Mayor Porter in 1932 and the successful recall of Frank Shaw in 1938, brought out 64 and 47 per cent of the voters respectively. San Franciscans, however, have had less experience with the recall than Los Angeles and have responded in fewer numbers. In 1917 an unsuccessful attempt to recall the

district attorney brought out only 40 per cent of the registered voters and in 1921 two allegedly corrupt police judges were ousted but again only 40 per cent of the voters participated.

Many Referenda Submitted

Available figures show that in 45 years Los Angeles voters have passed upon 358 local measures at general elections and 216 at special elections. Of the total, twenty were petition referenda, eleven ordinances being upheld and nine defeated. In the same period, 50 ordinances were presented by petition, of which 21 were approved. Only three charter amendments were proposed by petition and only one, a police and fire pension plan, was approved. The council, however, submitted 360 charter amendments and obtained approval of 219. A majority of the bond issues carried, as did public policy (advisory) and annexation referenda.

San Francisco voters have had an even heavier task. In 35 years they voted upon 531 items at general elections and 239 at special elections, for a total of 770, or an average of 22 per year. Petition referenda were filed in fourteen instances, wins and losses being evenly divided. Only 25 ordinances were started by petition and twelve of them were approved; however, 55 charter amendments were proposed by petition and 23 passed. The board of supervisors submitted 467 charter amendments and obtained approval of 238. A majority of bond issues proposed were approved. San Francisco has an interesting provision wherein four supervisors may demand a public

policy referendum on a matter that is being considered by the board. Twenty-five such propositions have been submitted and in only nine instances have the voters upheld the majority of the board.

Recall Elections Unsuccessful

In the past ten years there has been a marked decline in the use of direct legislation in the cities. San Francisco has had no initiative or referendum petition on the ballot in that time. In these same ten years, the mayors of San Francisco and Los Angeles each faced a recall election and successfully outrode the storm. In 1946 Roger Lapham retained office in San Francisco and at the recent general election Fletcher Bowron, mayor of Los Angeles for twelve years, defeated a recall move. Los Angeles ousted one city councilman who became too ardent an advocate for Gerald L. K. Smith. In 1943 Los Angeles voted upon an initiative ordinance regulating hours of milk delivery, and recently the council submitted a vivisection ordinance.

San Francisco has for many years been more of an organization city in its municipal politics, although it follows the dominant western pattern of municipal nonpartisan elections. Most of the matters submitted to voters there have been put by the elected officials to obtain popular ratification. Los Angeles has been the city of the independent voter. Organizations and factions have been short-lived; the organized municipal employees have been a dominant factor in municipal elections because of lack of organization among the citi-

zenry generally. For the past ten years the mayors and councils in both cities appear to have been quite responsive to popular requests.

The state's experience with direct government since 1911 has varied from that of its cities. The recall has been used twice against state officers, both times against legislators, and shortly after the recall had been adopted. Threats to recall state executives have been made on a few occasions but none reached the election stage. The statewide petition referendum shows approximately the same record as that in cities: sparingly used and employed chiefly by strongly organized pressure groups that have fought the legislation through the committees and lobbies at Sacramento.

In state legislation the direct initiative is the controversy center at present, largely because of the economic nostrums that have been placed on the ballot by the process in the last ten years.³ State political party organization is notoriously weak although California has regained its standing as a two-party state after a period of 40 years in which one party controlled all elections. Continuous influx of population has made it difficult to maintain party organization. A considerable number of voters do not feel that they have "put their roots down" in the community—many still think of Cedar Rapids, Cleveland, Peoria and Prairie Dog Flat as "home." California's much discussed cross filing which permits candidates to file for

³See "Can We Afford the Initiative," by Alfred E. Smith, the REVIEW, October 1949, page 437.

nomination of the other parties as well as his own, defeats party responsibility and destroys any meaning in party platform.

In this kind of situation it has been difficult for the regular elective machinery of state government to provide a strong leadership on many of the issues that hold the attention of the people. Even when a governor has been elected on both major party tickets, his party in the legislature refuses to follow his lead on numerous measures affecting the welfare and economy of the state. In the absence of strong party leadership of opinion and in the absence of an elected leadership that can and will crystallize thinking on matters of welfare, employment, taxation and the like, there will arise self-appointed leaders with nostrums that attract a following.

Change in State Use

Statewide use of the initiative has undergone several periodic changes. For some time after it was first adopted it was used largely for policy matters, and there was little concern with administration or with financial matters. Such matters as the poll tax, prohibition, race track gambling and the like were the issues. Policy matters probably were the type of measures contemplated by the earlier proponents of the initiative. During the 1920s, however, various groups turned to the initiative because the legislature failed to agree upon specific legislation or refused to act. During this period state support of the public schools was fixed in the constitution by initiative, a state executive budget system was

installed, the present method of apportioning seats in the legislature was adopted and permanent registration of voters was established.

During the past ten years, however, the state initiative has been subjected to several abuses. Numerous pension plans, from "\$30 every Thursday" through "\$60 at Sixty," and a plan to finance pensions by legalized gambling, have come to vote. One fantastic measure that carried the eupheneous title of "Bill of Rights" pertained to many subjects, including pensions, Indians, usury and other unrelated matters. The state supreme court refused to permit this to go on the ballot.

During the recent decade the state voters have approved some amendments to the original direct legislation law to clear up some problems. One permits the legislature to submit to a vote of the people amendments to a law originally enacted by the initiative. Another amendment limits an initiative to one subject, similar to the restriction upon legislative bills. Administrative organization created by initiatives must come under the state executive budget program. Neither the legislature nor the initiative may name persons in an act to administer a program if adopted.

Undoubtedly there have been abuses of the original plan and suggestions for cure thrive in numbers. Yet substantial groups representative of important segments of the state, liberal and conservative alike, have found it useful; therefore critics are loath to put on crippling amendments or to withdraw the device.

(Continued on page 99)

Illinois Votes the Blue Ballot

Officials and voters join hands to secure adoption of proposal to provide easier amendment of constitution.

By WILLIAM O. WINTER and ROBERT A. McGRATH*

ON Tuesday, November 7, 1950, a voter in a small, downstate Illinois city entered his precinct polling place and gave his name to the woman at the registration books. As his name was being checked off, an election clerk handed him two ballots. He took only the larger one and returned the smaller. But the clerk would not accept it.

"You must take this ballot into the booth and return it with the other one," she insisted. "This is the Gateway amendment."

The voter looked at the small blue rectangle in his hand and then with sudden realization he exclaimed, "So that's the 'blue ballot'!"

For the sixth time in as many decades the citizens of Illinois were voting on whether to revise the amending article of the constitution of 1870. The first attempt had been in 1892 and on this first Tuesday of November the sixth was under way and success was near. This was the culmination of a year's lengthy and expensive campaign, of the devoted work of hundreds of volunteers, of the pooled energies of dozens of civic, political, fraternal, educational and even religious organizations. The

campaign was intense and well organized; there was no organized opposition.

The state constitution had not been amended since 1908 and, being typical of most state constitutions, its detail and inflexibility prohibited any substantive governmental changes except through the amending process. Nine times amendments had been submitted to the voters since that date. Eight received majorities; yet all nine failed of ratification. In 1946, for example, three out of every four votes cast for a proposed amendment were affirmative and still the amendment failed of ratification.

Why, with such majorities, did the amendments fail? In the answer to this question lies the reason for the blue ballot of 1950.

Since its promulgation the constitution of Illinois has been one of the most difficult to amend. Yet the amending article, in itself, was simple. It provided that two-thirds of the members elected to both houses of the legislature could propose amendments and that at the next general election an affirmative vote of all those voting in the election would be sufficient to ratify. It was this latter provision that caused the constitution to remain unchanged for almost half a century. The legislature had proposed amendments, but not once during the 42 years from 1908 to 1950 had a proposition

*Dr. Winter and Dr. McGrath are both assistant professors of government at Southern Illinois University. Dr. Winter is a former research associate with the Bureau of Government at the University of Michigan and Dr. McGrath was formerly on the faculty of the University of Kansas City.

been able to garner the necessary majority of all those voting in the election. Unfortunately, a large block of electors invariably ignored the propositions altogether. Thus they were defeated from the start by sheer voter disinterest.

In 1946 a proposed revision of the amending article received one and a quarter million votes, but since more than three and a half million votes were cast in the election, the necessary majority was not obtained. The sizeable vote on the amendment, however, encouraged the many Illinois citizens and groups interested in better state and local government to try again as soon as possible. And four years later try again they did.

Gateway Proposal

They called it the Gateway amendment, and they spoke metaphorically of opening the gate that had been padlocked for over 40 years. The people had locked themselves out of their own government; it was time they made themselves a key.

The state legislature began the campaign to supply the key in 1949. With a bi-partisan approach seldom equalled it voted to propose the amendment. There were only two opposing votes. Not content to stop there, the legislature also provided by law that the proposition was to be submitted to the voters on a separate ballot colored blue, that this ballot was to be handed to the voter on top of all other ballots, that each voter must be informed of the nature of the ballot and that it had to be turned back whether he marked it or not.

The proposed amendment was designed not to take the padlock off the gate but merely to supply a key. Proposed amendments were to be submitted to the people as they had been in the past—by a two-thirds vote of all the legislators. Ratification, however, could be effected either by an affirmative vote of a majority of all those voting in the election—the old method—or by a two-thirds vote of those voting on the proposition, whichever was the smaller. Amendments might also be submitted to three articles of the constitution at the same election, instead of to only a single article as provided under the previous restrictive amending process.

Following legislative action the ratification campaign was organized systematically. An Illinois Committee for Constitutional Revision, with headquarters in Chicago, was created to secure statewide organizational support and to integrate and coordinate the activities of these organizations in support of the amendment. As indication of the bi-partisan backing for the amendment, a Bi-partisan Committee for the Gateway Amendment was created with headquarters in Springfield, the state capital. This committee's membership included the top officials of both parties: the governor, the mayor of Chicago (both Democrats), the Republican and Democratic state chairmen and influential legislators and committeemen of both parties.

The secretary of state printed a bulletin explaining the nature of the amendment, to be distributed to all registered voters in the state. While

this was certainly a most excellent gesture, its influence was questionable, first, because it reached the voters many weeks before the election and, second, because it was struck off in fine print and couched in technical language. But the bulletin did serve to emphasize both the importance and nonpartisan nature of the effort to make the state constitution amendable.

Citizen Support

By far the most important aspect of the campaign was the organizational support behind the Gateway proposal. Over fifty organizations, in addition to those already mentioned, went on record endorsing it and contributed with varying degrees of success to the campaign. These groups represented diverse points of view—political, social and economic. There were farm groups, veterans' groups and labor groups; women's organizations, civic clubs and business and professional societies; racial, religious and national societies. Some of these organizations were actively in support of the amendment; others did little more than lend their names to the campaign. It is significant that no important organization in the state came out against the proposal.

The Illinois Agricultural Association (state farm bureau), with a membership of 176,000 farm families, was one of the groups affiliated with the central committee in Chicago. The president of the association actively supported the amendment and the association devoted considerable space in its press to urge ratification. The legislative depart-

ment of the Illinois State Chamber of Commerce went to much expense to publish a handsome, 23-page booklet explaining the proposal and the background to the movement. The Junior Chamber of Commerce sponsored a "Gateway Caravan" which toured the state during the last few days before the election. With two automobiles mounted on a trailer, one of 1908 vintage and the other a 1950 model, the caravan emphasized the extent of technological progress since the constitution was last amended.

The amendment got excellent coverage in the newspapers, in fact, the press of the state was almost unanimously for it. The St. Louis papers, which carry a considerable amount of Illinois news, and the Chicago papers devoted both their news columns and editorials to numerous appraisals of the Gateway proposal. The Chicago *Sun-Times* printed a four-page "Gateway" supplement, which was probably the most complete popular presentation of the arguments for the amendment.

Directing and coordinating all this activity was, of course, the Committee for Constitutional Revision in Chicago. The great mass of literature—posters, explanatory leaflets, sample ballots and Gateway tags—gotten out in support of the amendment was the committee's. This literature was handed out to all interested groups and individuals. One of the authors of this article was responsible for seeing that every school child in three southern Illinois counties got some of the literature to take home to his parents. Other functions of the committee

included the organization of county campaign committees in 84 of the state's 102 counties; furnishing speakers drawn from the colleges and universities, bar associations, League of Women Voters and other sources; and in general stimulating discussion of the proposition and coordinating the multitude of organizational activities.

While there was no doubt in the minds of anyone that the proposition would get a substantial affirmative vote on November 7 and, indeed, that the affirmative ballots would outnumber the negative ones by at least three to one, no one was certain that the necessary majority of all those voting at the election would be achieved. It was not until 48 hours after the election that one could be sure the Gateway amendment had passed. When more than two million affirmative ballots had been counted, however, it was clear that the campaign had been successful. Final figures as reported by the secretary of state show 2,512,333 cast for the amendment, 735,903 against it.

Blue Ballot's Promise

Though a majority of the people of Illinois wanted the Gateway amendment, and though most of the organizations interested in state and local government supported it energetically, the reasons for wanting it were various. The Illinois Taxpayers' Federation, for example, while supporting the amendment made it clear that it would vigorously oppose any startlingly new state taxes, such as an income tax. "We do not believe," stated the executive secre-

tary of the federation, "that the Gateway amendment is even a slight step in the direction of such a tax. We consider the Gateway proposal a reasonable means for much needed reform in our state constitution."¹

Now that the battle has been won, the allies are once more pursuing their individual ends. Each one will not hesitate to turn upon a former friend when specific proposals for amending the constitution are advanced. Many of these proposals will die a-borning, since the amending process is still a difficult one. But a state constitution that has not been amended since 1908 requires much reworking, and there is little doubt but that substantive changes will be made in the next few years.

The local government structure of the state is badly out of date. With isolated exceptions, Illinois does not now permit its cities to meet their local problems in their own way. Chicago and many other urban communities are badly in need of home rule and it may now be possible for them to get it by constitutional amendment.

The people of Illinois elect representatives to both houses of the state legislature from districts that were drawn up on the basis of the census of 1900. Reapportionment, therefore, is a crying necessity if the people are to be fairly represented in their legislative body. The long ballot, moreover, still lives in Illinois in all its glory, both at the state and local levels. By means of constitu-

(Continued on page 113)

¹*Chicago Daily News*, November 3, 1950.

News in Review

City, State and Nation . . .

Edited by H. M. Olmsted

States Called on to Redistrict for Congress

President Urges Action Based on 1950 Census

THE need and opportunity for correction of gross inequalities and inconsistencies as to congressional representation were emphasized by President Truman in a special message to Congress on January 9. The need has existed for many years—even decades—and is increasing; the opportunity is presented by the completion of the 1950 census of population.

The President transmitted to Congress a tabulation, prepared by Roy V. Peel, director of the census, giving the 1950 population of each state, the present distribution of members of the House of Representatives among the states and the distribution on the basis of the new census. The clerk of the House is required within fifteen days, by federal statute, to certify to each state governor the number of representatives to which the state is entitled. The statute further prescribes ways in which any change in the number of representatives shall be handled until the states shall have redistricted.

The President urged Congress, in view of great and widespread discrepancies in representation among districts, to exert its constitutional power, as it had done prior to 1929, to require the states to follow certain standards such as that districts should be "composed of contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants."

One standard suggested was that with congressional districts averaging nearly 350,000 population, no deviation

greater than 50,000 up or down be permitted at the time of redistricting. The President did not stress the flagrant failure of some states, decade after decade, to redistrict after increase, decrease or extensive shifts in population but he gave his view that Congress should not merely enact standards but should see that they are complied with.

Illustrative of discrepancies the President said: "For example, there is one state in which, according to the 1950 census, the smallest district has a population of under 175,000 and the largest district has a population exceeding 900,000. In many states there are differences of two or three hundred thousand people between the smallest and largest existing districts in the state.

"While about half of the congressional districts throughout the country are between 300,000 and 400,000 in population there are some 50 districts with a population of 250,000 or less and, at the other extreme, some 50 districts with a population of 450,000 or more. Furthermore, as population has increased several states have added congressmen-at-large instead of redistricting as they should.

"Such defects in our system of congressional districts obstruct the effective operation of the democratic principles on which our whole government rests."

Four states with more than one representative now elect members at large. North Dakota and New Mexico have two members each, elected at large. Ohio and Connecticut have districts but each also has a representative at large. President Truman criticized this practice and asked Congress to d

rect each state with two or more representatives to redistrict completely, as required by federal law from 1842 to 1911.

Unless Congress increases the House membership above the present 435, as some suggest, the 1950 census will cause increases in seven states and decreases in nine: California to gain seven, Florida two and Maryland, Michigan, Texas, Virginia and Washington one each; Pennsylvania to lose three, New York, Missouri and Oklahoma two each and Arkansas, Illinois, Kentucky, Mississippi and Tennessee one each. Only three of the latter, however—Arkansas, Mississippi and Oklahoma—actually lost population in the decade.

State Officials Propose Civil Defense Act

Chief among proposals for legislation developed by a drafting committee of state officials for consideration by the 44 state legislatures meeting in regular session this year is a civil defense act. The proposals were put forward by the Council of State Governments.

The suggested civil defense legislation provides for the necessary organization to deal with potential enemy-caused disasters as well as natural disasters such as floods, fires and explosions. Under it the administration and operational channels of civil defense would be from the federal government to the state government and from the states to their political subdivisions. (This may be expected to be strenuously opposed by municipal officials and representatives, particularly from the larger cities.)

Briefly outlined, the act provides for establishment of a civil defense agency in the executive branch of the state government, to be headed by a director responsible to the gov-

ernor; he would execute the governor's civil defense responsibilities. Provision in the act for delegation of administrative authority and direct enabling provisions are supposed to give mayors and the heads of other local governments enough authority to carry out their plans and organization.

A state civil defense mobile reserve battalion is also provided for. It would be organized under state direction in accordance with the civil defense plan and would be available to serve on call of the governor whenever a disaster in a particular area was so great that the local civil defense organization could not cope with it. Since these battalions would be under state control when operating, provision is made for the states to assume their expenses—including pay, compensation for losses and assumption of liability. Provision is also made for these battalions to serve in other states when, by similar legislation, the other states have assumed corresponding obligations to render out-of-state aid.

The suggested act also includes provisions authorizing mutual aid arrangements between political subdivisions within the state and, when coordinated with the governor, by political subdivisions across state lines. The drafting committee also adopted a resolution asking Congress to enact legislation authorizing mutual aid compacts and agreements among states with respect to both civil defense and disaster relief.

Vermont Has Statewide Merit System

All Vermont state employees except those whose salaries or other compensation are fixed by statute are now under uniform civil service rules. This is by virtue of regulations signed last year by Governor Harold J. Arthur, effective September 1, 1950, under

authority of an enabling act passed by the legislature in 1947. Positions must be filled from lists established through open competitive or promotional examinations.

Under the statute, policy is determined by a personnel board of three members, each appointed biennially for a six-year term. The board also recommends for appointment by the governor, for a two-year term, a personnel director qualified to administer the state personnel system.

Court Reform Measures Succeed in Various States

General success attended judicial reform proposals at the November election, according to a recapitulation by the American Judicature Society.

In California the "confused minor court hierarchy" was replaced, through constitutional amendment, by municipal courts in communities of over 40,000 people and by justice courts elsewhere, with judges trained in the law. The plan goes into effect in part in January 1952 and completely a year later.

Alabama became the third state to adopt a form of the American Bar Association plan for selection of judges. Under a new constitutional amendment vacancies occurring after January 15, 1951, in the Birmingham circuit court are to be filled by the governor from a list of three nominations submitted by the Jefferson County Judicial Commission, consisting of two members of the bar, two laymen and one judge of the court.

Florida voters approved a constitutional amendment authorizing juvenile courts; Virginia voted for a measure providing unified court systems in cities; Mississippi increased the supreme court from six to nine judges; and Nevada forbade judges to run for non-judicial offices during the term

for which they are elected or appointed.

In New York State the question of election versus appointment of judges, under various methods, is again a subject of discussion; likewise a more efficient and elastic arrangement among the various kinds of courts in the city of New York.

Arizona Legislators Hold Practice Session

An orientation program for new members of the House of Representatives of the 20th Arizona legislature, which met in regular session on January 8, was held at the state capitol in Phoenix on December 17. The meeting was called by the two candidates for the House speakership. Thirty-two of the 72 members are freshman legislators, while three have prior experience but were not members of the 19th legislature. A majority of the newcomers, as well as a number of members of the 19th legislature, were present. A trial session was held in the course of which legislators were instructed in the order of business, the various permissible motions and the manner of offering them, and the procedures followed by standing committees, the committee of the whole house and conference committees.

PAUL KELSO

University of Arizona

Federal Youth Authority Established by Congress

By passage of the Federal Youth Authority Act late in 1950, Congress made the federal jurisdiction the fifth to adopt the substance of the American Law Institute's recommendations for correctional instead of retributive treatment of criminal youths, the *Journal of the American Judicature Society* states. California, Minnesota,

Wisconsin and Massachusetts had previously adopted such legislation.

A Federal Youth Authority is established consisting of three persons, one of them the director of the Federal Bureau of Prisons. Defendants under age 24 when convicted may, at the discretion of the trial judge, be sentenced, placed on probation or committed to the custody of the authority.

Council-Manager Plan Developments

Sierra Madre, California, (1950 population 7,288) has adopted the council manager plan by ordinance.

Sarnia, Ontario, Canada, voted in December in favor of changing to the council-manager plan.

A committee of 21 in Sanford, Maine, appointed by a town meeting to study the present town government and to recommend changes, has reported in favor of either the council-manager or the strong-mayor type of government.

A special committee of the Rutland, Vermont, Chamber of Commerce was authorized by the board of governors to present a revised council-manager charter to the legislature and to attempt to place it before the voters in March.

The Chamber of Commerce of Stoneham, Massachusetts, is trying to get the legislature to validate the action of Stoneham voters last March in voting to accept the town manager act. The board of selectmen and the town counsel declared that the action was illegal.

A committee appointed in November 1949 by the moderator of a special town meeting in Concord, Massachusetts, to study the town manager plan reported in November in favor of a selectman-manager charter.

The first official act of the mayor and aldermen of Newport, Rhode Island, upon organization on January 1, was to adopt a resolution endorsing

the council-manager plan. A manager charter was approved last March by Newport voters but was blocked in the legislature.

The Taxpayers League of Maywood, New Jersey, is starting a campaign to secure council-manager government. It plans to circulate petitions to place the question on the ballot.

The right of the voters in Pennsylvania third-class cities to adopt the council-manager plan is again an issue in the state legislature, where the League of Third Class Cities has long opposed the idea.

A proposed charter for Salisbury, Maryland, would leave the mayor responsible for municipal administration but would give him an "executive secretary" to whom he could delegate administrative duties and who would be required to have been trained in public administration.

The mayor of Vero Beach, Florida, has appointed a committee to consider changing the city's charter to provide for the council-manager plan and to draw up the necessary charter amendments for presentation to the 1951 legislature as a special act.

On January 16 voters of Manistee, Michigan, which has had the council-manager plan since 1914, defeated a proposed charter providing the manager plan in improved form.

The Melvindale, Michigan, Business Association is campaigning for the manager plan.

A council-manager charter for Ogden, Utah, drafted by fifteen charter commissioners, has been under public discussion.

The council-manager plan was debated in Bountiful, Utah, on December 20 by a public panel sponsored by the Chamber of Commerce and service clubs. The city administration is reported to be sympathetic to the idea.

Modesto, California, will vote for the

second time February 14 on adoption of the council-manager plan. A manager charter was approved, 1,809 to 1,470, on November 8, 1949, but the charter was declared invalid.

A proposed manager charter for **Santa Clara, California**, has been discussed at a series of public meetings.

At a meeting of nineteen city managers in **Oregon** on November 15, in conjunction with the annual convention of the League of Oregon Cities, it was decided to organize an Oregon City Managers Association. Committees were appointed to draft a constitution and by-laws. J. L. Franzen, city manager of Salem, was unanimously elected president of the group, C. G. Reiter, city manager of Coos Bay, vice president, and Dean Seegar of the league staff, secretary. Formal adoption of a constitution and further action to perfect organizational details are expected at a meeting early in February.

Council-Manager Ups and Downs in State of Washington

Three cities in Washington have adopted the council-manager plan—**Sunnyside** (1950 population, 4,169), in 1948; **Ellensburg** (8,417) in 1949; and **Puyallup** (9,967) in December 1950.

In one of the larger cities, **Vancouver** (27,977), the mayor's charter study committee approved a proposed council-manager charter in December by a vote of twelve to two. The charter was submitted as a recommendation to the fifteen freeholders who were to be elected some time after January 1 when Vancouver is certified as a city of the first class.

In two other cities, **Camas** (4,705) and **Pasco** (10,177) manager proposals were defeated in December.

In Camas the opposition claimed that the plan was undemocratic, that

an unqualified outsider could be made manager and that the law was too restrictive in requiring a vote of five councilmen out of seven to discharge a manager. They also objected to the provisions authorizing secret sessions of the council and prohibiting any change for six years after adoption. Editorials in the local papers pointed out the weakness of the opponents' arguments and carried the statements of the proponents of the plan that a city with a quarter-million-dollar budget deserves full-time attention that part-time councilmen have been unable to supply. The wide margin of defeat, 743 to 244, was possibly due to a lack of thorough and extensive publicizing of the plan and to the fact that so few Washington cities operate under it as yet.

In Pasco the election split city officials into two camps, the mayor campaigning against the plan with much force whereas several of the councilmen were strongly in favor of the change. The issue was clouded to some extent because of previous dissension over a water system project and because the campaign was supported strongly by a local paper which opponents charged was Seattle-owned and therefore represented an attempt by Seattle to dominate Pasco government. Another charge made was that the police and fire civil service systems would be eliminated, with full authority going to the manager. The fact that the state legislature had amended its optional manager law to leave fire and police services under civil service was ignored. Although a representative committee worked for more than a year to publicize the plan, the opposition charges prevailed against it this time, 1,023 to 644.

In both Camas and Pasco the manager question is expected to come up again when the public is better in-

formed and when more of the many Washington cities now considering the plan adopt it.

DONALD C. SAMPSON
Association of Washington Cities

San Antonio Voters Defeat 'Red Herring' Civil Service Plan

By a three-to-one vote on December 19, San Antonio defeated a proposed civil service charter amendment, characterized by the civic groups opposing it as "fraudulent" and an attempt to prevent a vote on a council-manager charter amendment. For years organizations such as the League of Women Voters have been campaigning for the manager plan but their efforts have been blocked by the tactics of the city commission. Since under Texas law city charters may be amended only once in two years, adoption of the civil service law would have forestalled a vote on the manager plan for that length of time.

New Orleans Charter Committee at Work

A committee to revise the charter of New Orleans has been appointed as a result of action by the city's commission council. The latter appointed two members; the ten other members were appointed by the following individuals and organizations, by authority of the commission council: president of Tulane University, president of Loyola University, Bureau of Governmental Research, Chamber of Commerce, New Orleans Bar Association, League of Women Voters, Young Men's Business Club, CIO, AFL and Louisiana Civil Service League. The committee elected officers early in January, the chairman being Harry McCall of the Bar Association.

The constitutional home rule amendment, by virtue of which the charter revision is proceeding, did not provide for the charter committee; the

latter was created by the New Orleans commission council. Such charter as it drafts is to be submitted to the commission council, which may review, amend or even reject it.

Whatever charter is approved by the commission council goes on the ballot in November 1952, in competition with the present charter and any others that may be proposed by petition of 10,000 or more signatures. Whatever plan receives the greatest number of votes would go into effect in May 1954.

Initiative and Referendum for Portland, Maine

By a vote of 3,446 to 2,856 the people of Portland, Maine, at the regular municipal election on December 4, 1950, approved an ordinance establishing the initiative and referendum in municipal legislative matters. Ten qualified voters may originate a petition for popular vote on an ordinance proposed on their initiative or already enacted by the city council, but not yet effective. The petition is held at the office of the city clerk for 30 days for signatures. If the latter total 5 per cent or more of the registered voters a public hearing is held, followed by submission of the ordinance to popular vote. A majority of those voting on the question decides the matter.

Ordinances dealing with appropriations, tax levies or wages or hours of city employees are not subject to initiative or referendum.

Alabama Court Approves Birmingham Annexation

Birmingham, Alabama, is now thirteen and a half square miles larger and contains 13,000 more people. In November the Alabama Supreme Court upheld the validity of an annexation referendum held in the

Birmingham area in September 1949. According to Census Director Roy V. Peel, the additional population will be included in Birmingham's total for 1950, making it a city of over 300,000 people and 76 square miles in area.

Most of the territory taken into the city was residential in character although it did include a few industrial properties. The annexation did not include any of the outlying satellite cities since, under provisions of the statute, the population of each municipality was required to cast an affirmative vote to be included. None of the five did. The territory affected, therefore, was all unincorporated territory.

Lower Court Overruled

In approving the local referendum, the State Supreme Court overruled a decision in the local Circuit Court that the title of the act was not expressed clearly. This contention meant, of course, that the voter knew not for what he was voting. But presiding Justice Joel B. Brown, speaking for the court, held that this contention was without merit. Moreover, he put aside the plea that this situation constituted an unconstitutional delegation of legislative power to the voters of Jefferson County. It merely fixed the extent, he said, of the operation of the act—an act passed under a valid power of the legislature. Three other members of the court concurred.

According to City Commission President Cooper Green, the newly annexed areas will receive garbage collection, fire and police protection services "as soon as humanly possible"; and eventually, he added, the residents of the area will be served by new schools and library units of the Birmingham systems.

Extension of Birmingham's municipal boundaries was recommended by the Legislative Advisory Commission

for Jefferson County early in 1947; and after some modification by the local legislative delegation, the recommendation was effected by a local act of the legislature. The act provided for a referendum of the people in the area affected.

DONALD S. VAUGHAN

Bureau of Public Administration
University of Alabama

Revision of Iowa Municipal Statutes Offered

After long and thorough research and deliberation the Iowa Municipal Statutes Study Committee has prepared its report for the 1951 session of the state legislature. The conclusions of the committee were summarized by its chairman, Senator John H. Hattery, at the 1950 convention of the League of Iowa Municipalities. Some of them are briefly as follows:

1. Elimination of obsolete, repetitious or otherwise unnecessary provisions. At least one-third of the present laws relating to municipalities would be repealed;
2. A more uniform system of courts for all municipalities;
3. General powers, duties and responsibilities of cities of all classes to be set out in one chapter of the code; special powers of the several forms of municipal government and provision for changing from one form to another to be given in short separate chapters;
4. Four-year instead of two-year terms for city officials, with staggered terms for councilmen;
5. All regular city and town elections in November of odd-numbered years, county, state and national elections being in even-numbered years;
6. Uniform procedure for special assessments;

¹See "City-County Merger Proposed," by Roscoe C. Martin, the REVIEW, July 1947, page 367.

7. Establishment of nine functional funds for municipal governments instead of 164 separate funds now authorized;

8. More freedom to cities in the administration of their own affairs.

Inter-American Municipal Review Established

The third meeting of the Inter-American Congress of Municipalities, held in New Orleans in May 1950, provided for the publication of a quarterly magazine, *Inter-American Municipal Review* (*Revista Municipal Americana*), devoted to municipal administration and intermunicipal cooperation. It is supported in part by the Public Administration Clearing House (Chicago). Numbers 1 and 2 (July-December, 1950) constitute a special single issue incorporating the resolutions, recommendations, etc., adopted at the New Orleans meeting, including the "statutes of the Inter-American Municipal Organization," relating to the nature, form and functions of that body which, in effect, sponsors the Inter-American Congress of Municipalities.

Direct Primary Developments in New England

At a session of the representative town meeting of Greenwich, Connecticut, on January 8, a resolution was overwhelmingly adopted urging the state legislature to enact a direct primary law—Connecticut being the only state without one.

The second trial of Rhode Island's somewhat unique direct primary law occurred last fall on a statewide scale. The law, described in the March 1949 NATIONAL MUNICIPAL REVIEW, provides for designation of candidates for the

party nomination by the party organization, subject to contests by candidates nominated by petition. Primaries are closed and were held by the Democratic party on September 18 and the Republican party on September 27. Organization candidates were indicated as such on the ballot by asterisks and encountered practically no opposition.

Civil Service Conference Attended by 500

The 1950 conference of the Civil Service Assembly of the United States and Canada, held in Atlanta, Georgia, late in November, was attended by approximately 500 people despite unfavorable weather. Stress was laid on problems related to an imminent shortage of manpower and skills in civil government. Charles H. Cushman, director of the Rhode Island Department of Civil Service, was elected president.

DIRECT LEGISLATION LABORATORY

(Continued from page 87)

Most of the symptoms of the ailment in the initiative arise from the very situation that brought it into being—failure of the elected government and of the political parties to provide a clear cut leadership policy. The initiative, referendum and recall alike, both at municipal level and at state level, are best used sparingly as a balance wheel to correct occasional aberrations of the normal machinery of government. The cities have returned to that equilibrium, the state is striving to return its political processes to a balance.

County and Township Edited by Elwyn A. Mauck

Manager Plan Proposed for Baton Rouge

Consolidation Sought in Philadelphia and Phoenix

FOUR of the seven members of the council of the consolidated parish of East Baton Rouge and city of Baton Rouge, Louisiana, have proposed that the manager form of government be adopted. The manager plan would replace the mayor-president setup adopted when the two units were consolidated several years ago. Mayor-President Higginbotham, however, advocates the commission plan. Both suggestions are being studied by a Plan of Government and Recommendation Committee.

The original plan of consolidation, as drafted by Dr. and Mrs. Thomas H. Reed, called for the council-manager plan but because of vociferous objections it was changed to the subsequently adopted mayor-president form.¹

Citizens' Business, published by the Philadelphia Bureau of Municipal Research, discusses the question of the proposed constitutional amendment consolidating the city and county of Philadelphia. The 1949 legislature approved the amendment and if the 1951 legislature does the same, it will be submitted to the voters on November 6, 1951.

As a result of conversations between members of the Maricopa County, Arizona, commission and the Phoenix city council regarding the county's need for more office space, an agreement has been reached for the appointment

of a nine-member joint committee to study the possibility of consolidating functions to eliminate duplications. The committee will consist of three county officials, three city officials and three representatives of the public. It is anticipated that the study may have far reaching results in simplifying the government of the area.

The Olmsted County—Rochester, Minnesota, joint health department is reported in *Minnesota Municipalities* as having been highly successful in securing the cooperation of many groups in raising the public health standards of the community. The Mayo Association, federal government and the city contributed to building the \$270,000 unit in which the health services are housed, while operating expenses are borne by the county, city, school board, federal government, state university, Mayo Foundation, Kellogg Foundation, General Mills, Inc., and the Civic League. Begun in 1943, the organization was formed as an actual city-county unit in 1946.

County Managers Meet at ICMA Conference

At the annual conference of the International City Managers' Association, held in December at Houston, Texas, county managers held a session devoted to their specific problems.

A discussion of the place of the county in the governmental structure led to the conclusion that the county manager must constantly explore the possibility of consolidating functions of cities and counties and of adjoining counties in an effort to provide maximum service to the taxpayer at minimum cost. The county managers agreed that a complete study of federal, state, county and city tax structures

¹See the REVIEW, July 1947, page 413.

should be made in order to allocate specified fields of taxation to each level of government. The county managers also advocated study of the advisability of accepting federal grants for road-building programs in order to ascertain the economic advantages, or disadvantages of such grants. It was the belief of some managers that experience thus far indicates there is little advantage to the counties in accepting such grants.

Texas County Commissioners Favor Four-Year Terms

The annual convention of the County Judges and Commissioners Association of Texas, held recently in Austin, adopted the following resolution:

"Be it resolved . . . that it is the consensus of the convention that four-year terms for all elective state, county and precinct officials would be in the interest of the general welfare of the inhabitants of the state of Texas; that the legislature be called upon to submit a proposed amendment to the state constitution providing four-year terms for all elective state, county and precinct officers."

Santa Clara County Gets Suggestions on Manager

The Santa Clara County, California, League of Women Voters recently made a series of recommendations to the county commissioners regarding the selection of a manager as provided under the county's recently approved charter. Among its recommendations were:

1. The man chosen should have physical vigor and mature judgment;
2. He should be experienced as manager of a city or county;
3. A man with university training should be preferred;

4. Engineering training, broad executive experience and experience in finance and social welfare are important considerations;

5. The salary should be comparable to that paid the chief executives of the local public utility institutions, leading banks or other private corporations;

6. The vacancy should be listed with the International City Managers' Association;

7. There should be personal investigation of all promising candidates;

8. The supervisors should, if possible, be unanimous in their choice.

St. Louis County Begins Home Rule Government

The St. Louis *Post-Dispatch* recently featured the beginning of home rule government in St. Louis County. Pictures of the supervisor and seven councilmen were published and the history of the county government was outlined briefly. Regarding the shortcomings of the charter, the *Post-Dispatch* stated:

"Principal criticism of the new government is that much of the old political patronage system is retained. Present elective offices remain elective under the new charter, and neither the council nor the supervisor will have jurisdiction over internal operations of those offices except as to their budgets. Elected officials are: assessor, circuit clerk, collector, four constables, coroner, county clerk, highway engineer, public administrator, recorder of deeds, sheriff, superintendent of schools and treasurer.

"Proponents of the new charter felt that elimination of elective offices would have doomed the charter at the election because of opposition by officeholders and their employees. However, they hope that eventually most offices will be made appointive and that all will be placed under civil service."

Proportional Representation

Edited by George H. Hallett, Jr.
and Wm. Redin Woodward

(This department is successor to the Proportional Representation Review)

Israel Elects Municipal Councils by P. R.

80 Per Cent of Voters Cast Ballots; Few Were Invalid

Municipal elections in all cities and towns of Israel last November, under the list system of proportional representation, aroused considerable interest because of the prominence of national issues in the campaigns of the leading parties. The General Zionist party upset Prime Minister David Ben Gurion's party, the Mapai, in Tel Aviv, Israel's largest city, and ran second to Mapai in the nation at large. Extreme radical and conservative parties made a poor showing.

The greater strength shown by the General Zionists, compared with the results of the last Knesset (parliament) elections two years ago, indicates a swing to the right. However, it also reflects the probable fact that in the last election of the Knesset, Prime Minister Ben Gurion's leadership attracted votes from other groups to his party, according to a release of the Zionist Information Service in New York.

The General Zionist vote in two years rose from 7 per cent to 31 per cent of the poll in Tel Aviv, 1 per cent to 21.8 per cent in Jerusalem, 7 per cent to 22 per cent in Haifa, 8.5 per cent to 30 per cent in Petach Tikvah, 5 per cent to 22 per cent in Natanyah and 8 per cent to 18 per cent in Rehovoth. The Mapai vote dropped, in the same comparison, from 34 to 23 per cent in Tel Aviv, 28 to 24 per cent in Jerusalem, 37 to 33 per cent in Haifa, 40 to 26 per cent in Reho-

voth and 39.5 to 21 per cent in Natanyah. Because all these municipalities use proportional representation, the changes were fully reflected in the newly elected councils. The results for the larger cities, Tel Aviv and Haifa, are tabulated below.

ELECTION IN TEL AVIV FOR CITY COUNCIL, NOVEMBER 1950

Party	Votes	(%)	Seats	(%)
General				
Zionist	42,287	(31.2)	10	(32.3)
Mapai*	31,159	(22.9)	7	(22.6)
Herut	18,713	(13.8)	4	(12.9)
Mapam	13,252	(9.8)	3	(9.7)

*The Mapai contested the election in alliance with some smaller groups, and the figures tabulated refer to this combination, known as Histadrut.

Seven small groups polling between 2,800 and 6,500 votes each obtained one seat. Two parties with about 1,000 votes apiece failed to obtain any seat.

ELECTION IN HAIFA FOR CITY COUNCIL, NOVEMBER 1950

Party	Votes	(%)	Seats	(%)
Mapai*	17,152	(33.1)	7	(33.3)
General				
Zionist	11,669	(22.5)	5	(23.8)
Mapam	7,572	(14.6)	3	(14.3)
Religious				
Bloc	4,560	(8.8)	2	(9.5)
Pro-Haifa	4,084	(7.9)	2	(9.5)

*See table for Tel Aviv.

Two small parties received one seat each, polling about 3,000 and 2,000 votes respectively, and two smaller parties failed to obtain representation.

With respect to the consolidated nation-wide totals tabulated below, the *Jerusalem Post*, which reported them on December 8, justly observed: "The distribution among parties is not reflected in the distribution of mandates, as there was a large dis-

crepancy between the numbers of votes required to elect a councillor in different localities: while in Athlit each member was elected by 23 voters, in Tel Aviv a councillor represents 4,383 voters."

All together 519 councillors were elected. Out of 421,234 eligible voters 335,087, almost 80 per cent, cast ballots and only 1.5 per cent of the ballots were invalid.

MUNICIPAL ELECTIONS IN ISRAEL, NOVEMBER 1950—CONSOLIDATED RETURNS

Party	Per Cent Votes	Seats	Per Cent Seats
Mapai	27.3	179	34.5
General Zionist	24.5	97	18.7
Religious Bloc	13.3	68	13.1
Mapam	11.5	80	15.
Herut	10.3	30	5.8
Progressive	4.7	18	3.5
Communist	2.4	5	1.0
Yemenite	1.6	5	1.0
Others	4.4	37	7.1

P. R. in Cincinnati Attacked in Courts

On November 13 a suit was filed in the Ohio courts seeking a declaration that the details of the P. R. ballot as used in Cincinnati conflict with the requirements of the constitutional amendment establishing an "office" type ballot. The amendment, passed by statewide referendum in November 1949,¹ in explicit terms exempts "party primaries and nonpartisan elections." Cincinnati's P. R. elections, as those of many other cities in the state and the country, with or without P. R., are nonpartisan, as are also judicial and school board elections in Ohio.

The suit, according to the *Charter*

News Letter published by the Cincinnati City Charter Committee, was brought on the contention that the amendment requires the use of "X" marks rather than numerals and a listing of "Republican" or "Democratic" after or below the name of the candidate.

Elections Held in Germany

Election of state parliaments in the American occupation zone of the West German Federal Republic, November 19, and election of the council of the city of Berlin (western sectors) appear to have used a modified form of proportional representation, presumably that used in the election of the parliament of the Federal Republic.¹

The positions of the leading parties on the issue of rearmament seem to have played an important part. In the U. S. zone states, the Social Democratic party, which had insisted upon fulfillment of certain conditions before rearmament, made considerable gains at the expense of the Christian Democrats who had, under the leadership of Chancellor Adenauer, taken a stand favoring rearmament measures. In Berlin, where public opinion evidently opposed delaying rearmament on any pretext, the Social Democrats lost their council majority and the Christian Democrats gained a leading position.

The U. S. zone elections resulted in the elimination of all communist delegations in the state parliaments because the party's vote fell below the 5 per cent figure required for representation under the electoral law.

¹See the REVIEW, December 1949, page 558.

¹See the REVIEW, June 1949, page 298.

Taxation and Finance

Edited by Wade S. Smith

States and Cities Face Defense Problems

Air Raid Shelters, Other Defense Costs Loom Large

AS THE tempo of America's armament program increases, the impact of the defense effort on governmental units below the federal level will certainly become a matter of growing concern both to local officials and to all citizens and taxpayers. Enough of the administration's plan has been revealed to suggest that in some areas rather acute problems may be anticipated before the year is over.

Foremost of the emerging problems, of course, is that of manpower. With civilian employment late in 1950 approximately 61,000,000—about 8,000,000 above the World War II peak—and as many as 4,000,000 workers to be added to defense production before the end of 1951, state and local governments will share with non-defense industries an apprehension both as to keeping their present workers and securing such additional help as may be necessary in certain lines. Cities like Dallas, Texas, which added close to \$900,000 to its 1950-51 budget to bring pay scales more nearly into line with private pay, and reduced the work week to 40 hours for most city employees, may before many months have to make further adjustments.

Defense manpower requirements will, of course, affect also state and local improvement programs, which in addition will face obstacles in material shortages and prospective allocations. The localities fortunately have made considerable progress the last two years in pushing some of the more

urgently needed construction projects to completion or near completion.

In other cases, projects not yet under construction but essential for defense production would be authorized even under rigid controls, as in the case of some water, sewer, power and transportation additions. It will be a short-sighted federal program, too, which fails to see to it that additional school plant is provided in some of the rapidly growing sections where already acute conditions will be made chaotic as and when any number of defense workers move into the community. Situations such as existed in Richmond, California, during the last war—where small children went to school in almost as many shifts as did adult workers in the shipyards—cannot be tolerated if the "American heritage" is to retain its vigor.

Complicating local construction programs also, as it did during the last period of hostilities, is the problem of providing works essential to the operation of expanded or newly acquired defense manufacturing establishments. In the field of housing, particularly, difficulties can already be foreseen, and the cities may be expected this time to make a more vigorous effort to insure that, as far as possible, new units are located where service facilities are already installed rather than in unserved areas as was the case in the much publicized Linda Vista development at San Diego.

The construction problem is rendered especially acute, however, by a new element—the widespread anxiety that there be some comprehensive program of shelters adequate to give at least a sense of security from atomic bombs. This is a part of the defense effort which evidently has not yet

been thought through on a truly comprehensive basis.

Governor Dewey of New York in his inaugural address disclosed that, under the proposed federal-aid program for air-raid shelters, the state would be entitled to the large grant of \$249,000,000 provided the money went for structures suitable for defense use only and that the state matched the federal contribution. New York City's best idea to date has been to expend \$200,000,000 or so to start the proposed Second Avenue subway and use its tunnels as underground shelters. The federal administration has proposed \$250,000,000 to be available for such dual-purpose projects but as a loan, not a grant, an offer not presently palatable to either the New York City or state administration. Officials from other sections of the country may be expected to join New York in strongly urging on the Congress that the initial impact of local defense costs be at the federal rather than the local level.

Impact Obscure

The possible impact of specific defense costs on the finances of state and local governments during the year is, in fact, one of the more obscure aspects of the present situation. While a number of communities paid rather dearly in the last conflict for the privilege of being selected for large war industries, incidental costs for large projects were met mainly at the federal level and civilian defense costs were negligible compared with the cost of the civilian shelters, etc., being proposed now.

During the last war, the curtailment of ordinary operating budgets and the virtual elimination of improvement programs enabled the typical city to accumulate substantial financial reserves during the war period, and either to liquidate the inherited deficits

of the great depression or set aside funds for postwar use. Ordinary operations will undoubtedly be curtailed during the coming year, and there will be a decline in at least non-essential types of improvement construction. The big question will be whether savings accruing from these sources will offset the higher defense program costs now being asked of the local communities.

One fact seems certain for both private individuals and local governments alike: the situation is going to continue to develop with a mounting acceleration. (The President, in his economic message, noted that whereas some \$18,000,000,000 went into the defense effort in fiscal 1949-50, expenditures early in January 1951 were at an annual rate of more than \$20,000,000,000, with a level prospective by the end of the 1951 calendar year of between \$45,000,000,000, and \$55,000,000,000.) Local governments whose fiscal years end toward the middle of the calendar year may well finish 1950-51 with the plans made in 1950 rather closely realized and considerably clearer indications to guide them in preparing their 1951-52 budgets. Where budgets were adopted late in 1950, however, or where the fiscal year is the calendar year, it is likely that some rather radical budget changes will be necessary before the period ends.

Toledo Reads City Income Tax

Toledo, the first Ohio city to adopt a municipal income tax, reenacted the excise for another five years beginning January 1, 1951. The new ordinance provides for "reciprocity," however, allowing out-of-city residents subject to city income taxes where they live and Toledo residents working elsewhere to make appropriate offsets. The earmarking of receipts

was also changed, the amount earmarked for the general city fund being raised \$925,000 to an estimated \$3,100,000 annually—on the basis of estimated annual collections of \$6,000,000—while the county will be paid for schools a sum equal to what would be raised by a one-mill property tax, a device whereby the city in effect relinquishes one mill within the tax rate limit in favor of the schools. An estimated \$1,380,000 of the collections is earmarked for capital improvements, but the amount is to be reduced \$100,000 for each one point rise in the consumers' price index and the \$100,000 transferred to the general fund for mandatory wage and salary increases.

States Dye Tax-Free Gasoline

Because mounting refunds of taxes on motor fuel used for non-highway purposes are becoming increasingly costly, six states have adopted the expedient of adding dyes to the fuel intended for non-highway use so as to facilitate detection of its fraudulent use on the highways. Customarily, all purchasers of motor vehicle fuels pay the tax, which is refunded to exempt non-highway users on presentation of claims for a refund.

The six states adding dyes are Arizona, Arkansas, Kentucky, Louisiana, Mississippi and New Mexico. Three Canadian provinces also use the dye technique—Alberta, British Columbia and Nova Scotia, according to the *Tax Administrators News*, while the province of New Brunswick adds not a dye but an invisible but readily detected chemical.

The problem of detection of illegal refunds is more acute now than formerly. According to the association,

refunds mounted from \$56,274,000 in 1941 to \$73,760,000 in 1945 and have increased steadily since to \$132,871,000 in 1949. They amounted to only 7.5 per cent of gross motor fuel tax collections in 1941, reached a peak of 11.4 per cent in 1945, and held somewhat below 10 per cent in 1946 and 1947. In 1948, however, refunds rose to 10.3 per cent of the gross collections and for 1949 were 9.9 per cent of the gross.

'Landed Gentry' Sold Out in King County

In one of those "believe it or not" stories which are no novelty to citizens who manage to get under the surface at the local government level, the *Seattle Municipal News*, organ of the Municipal League of Seattle, describes the extraordinary bargains in rural "estates" available at the King County tax foreclosure sale in December. Especially noteworthy was the plight of a taxpayer whose property tax had increased five-fold from 1943 to 1950; the poor fellow hadn't paid his taxes since 1938, however, and his lot was on the block—1950 tax delinquency, 31 cents, accumulated total of uncollected taxes, \$1.95.

According to our informant, there are hundreds of similar parcels on the tax rolls, some with annual taxes as low as fifteen cents for 1950. Most of them date from real estate subdivisions in the 1890s, when they were sold sight unseen to midwestern and eastern buyers, and are either submerged (under water, not taxes), nearly vertical or isolated. They appear recurrently on the tax sale lists, and occasionally someone assembles enough of them to return the land to acreage or to build on it. Needless to say, they do not repay the cost of assessing the taxes.

How Qualify for Tax Deductions?

Civic Groups Should Assure Exemptions for Supporters

By HARRY W. WOLKSTEIN*

MORE and more frequently the executive director of the taxpayers association or the civic organization is asking, "How can I assure prospective donors that their subscriptions, donations or dues are deductible on their federal income tax returns?" He has found that it is important for his organization to qualify officially with the Bureau of Internal Revenue as a tax-exempt association if he is to raise the funds his organization requires.

What are the legal requirements necessary to secure income tax exemption and deductibility of contributions? The civic organization may generally attempt to qualify as one of the three following types: an educational organization, a business association or a civic organization.

Consider first the definition of a tax-exempt educational organization.

The Internal Revenue Code, our basic legal document for income tax purposes, states that an organization must meet three tests before it can obtain tax exemption under Section 101(6):

1. It must be organized and operated exclusively for one or more of the

specified purposes — religious, charitable, scientific, literary, educational or for the prevention of cruelty to children or animals.

2. Its net income must not inure in whole or in part to the benefit of private shareholders or individuals.

3. It must not by any substantial part of its activities attempt to influence legislation by propaganda or otherwise.

If an organization meets these tests then donations are deductible for income tax purposes.

Can a civic organization distribute controversial literature? Can such an organization engage in propaganda activities to support or oppose some new legislation or a candidate for political office without losing its classification as an educational organization for tax purposes? The answer is not a simple yes or no. The Regulations of the Commissioner of Internal Revenue include the following section:

An organization formed, or availed of, to disseminate controversial or partisan propaganda is not an educational organization within the meaning of the Revenue Code. However, the publication of books or the giving of lectures advocating a cause of a controversial nature shall not of itself be sufficient to deny an organization tax exemption, if carrying on propaganda or otherwise attempting to influence legislation forms no *substantial part of its activities*, its principal purpose and substantially all of its activities being clearly of a nonpartisan, non-controversial and educational nature.

This section does not state that the organization must refrain from *all* legislative activity.

*This article is based upon the address of Mr. Wolkstein, certified public accountant and tax practitioner of Newark, New Jersey, at a meeting of the National Association of Civic Secretaries, held in connection with the National Conference on Government of the National Municipal League, Buffalo, New York, November 20, 1950.

To secure and maintain tax exemption the civic organization must be careful to distinguish between its educational activities and propaganda activities. Educational activities will spell out tax exemption and approval for deductibility of contributions by the donors, while substantial propaganda activities will mean defeat on these counts and consequent difficulty in raising funds from prospective contributors.

Rulings and Court Decisions

The distinction between educational activities and propaganda activities is best illustrated by a ruling of the Commissioner of Internal Revenue on February 11, 1939, as to the National Tax Association. The ruling declared that this organization is exempt from income tax and that contributions to the association are deductible by donors. This reversed a bureau ruling of January 12, 1938. Commissioner Helvering commented:

From the evidence submitted it appears that you were incorporated in 1930 as a scientific and educational corporation to educate and benefit its members and all others who may be interested in the subject of taxation and the subject of public finance, of which taxation forms a part, by promoting the scientific study thereof generally, by the encouragement, by collecting, preserving and diffusing scientific information and knowledge relating thereto, by organizing conferences and bringing together for discussion public officials, and by formulating and announcing through the deliberately expressed opinion of its conferences the best informed economic thought and ripest administrative experience available for the guidance of public opinion, legislation and administration, on questions relating to taxation and public finance.

Over the years the commissioner has denied tax exemption to many an organization that functioned as a lobbying association or spread controversial information for the purpose of influencing legislation.

The Citizens League of Cleveland received an adverse decision from the Board of Tax Appeals (now the Tax Court of the United States) in 1932. (*John H. Watson, Jr. v. Commissioner*, 27BTA 463 Dec. 7880.) It was held to be subject to federal income taxation because it was not organized and operated exclusively for educational purposes. The board also denied the deductibility of contributions by donors on the reasoning that the Citizens League was political and not exclusively educational. The league's constitution, which apparently caused the disapproval, stated the objectives of the organization as follows:

1. To promote businesslike, honest and efficient conduct of local government;
2. To collect and disseminate information relative to local and state government and the conduct of public officials;
3. To investigate the administration of local offices and the operations of local laws;
4. To induce citizens to take a more active interest in the affairs of government and the conduct of public officials; and
5. To encourage competent men and women to stand for public office and to support wholesome leadership in public affairs.

The trouble in this case was that the league investigated candidates for office and classified such candidates as "preferred" or "qualified" or "not recommended." The league, when it was considered desirable, advocated the amendment of existing laws and its agent presented its recommendations to the proper legislative body.

The court held that members of the Citizens League of Cleveland would perhaps paraphrase its purpose as "the bringing about of better local government and the election of better fitted men in office." But in that very statement the court said they assume the soundness of their conclusions and the accuracy of their judgment of fitness. Furthermore, they impute that those not in agreement with the league are mistaken in their philosophy and unsound in their judgment. "On the facts before us we are not convinced that the Citizens League of Cleveland was organized and operated exclusively for educational purposes."

In a similar case the Board of Tax Appeals ruled against the City Club of New York (12 BTA 1186). The purposes of the group, as set forth in its articles of incorporation, were:

To promote social intercourse among persons especially interested in the good government of the City of New York, to secure honesty and efficiency in the administration of city affairs, to sever municipal from national politics and to procure the election of fit persons to city offices.

The court held "that there is some element of education in the dissemination of information through the club's publications but its advocacy of or opposition to candidates and proposed municipal measures carries it beyond the exclusively educational purposes contemplated by the taxing statute."

Just as Section 101 (6) of the Internal Revenue Code sets forth the legal requirements for tax-free existence for the donee organizations, so Section 23(0) of the code sets forth the conditions under which an individual donor can deduct from his gross income donations to an educational organization, and Section 23(q) sets forth the conditions under which a

corporation may deduct similar contributions. The proper test of deductibility is the character of the organization to which or for the use of which the contribution is made.

Charter Wording Important

The court decisions tell us that the original charter of a civic association is an important document. The need of drawing it carefully was illustrated in the case of the National League of Women Voters. (*Henrietta T. Noyes* 31 BTA 121.) In 1934 the Board of Tax Appeals held:

Education was undoubtedly one of the most important purposes, probably the most important purpose, for which each of these leagues of women voters was organized and for which each was operated during 1930. However, the certificate of incorporation of the National League states: "The business and objects of the corporation are to foster education in citizenship and to support needed legislation."

In many instances the leagues agitated for and supported a particular view upon subjects extremely controversial in nature. The Board of Tax Appeals accordingly affirmed the commissioner's disallowance of contributions of \$250 and \$2,100 to the Minnesota League of Women Voters and National League of Women Voters.

It should be noted that in 1938 the constitution and by-laws of the National League of Women Voters were amended by deletion of the phrase the objects of the corporation "are to support needed legislation" and restating them "to promote political education through active participation of citizens in government."

The tremendous importance of the revision was emphasized in the 1944 case of *Luther Ely Smith, Petitioner*,

v. Commissioner of Internal Revenue (3 TC. 696). In that case the U. S. Tax Court held that contributions to the St. Louis League of Women Voters were deductible as contributions to a corporation organized and operated exclusively for educational purposes. The court held:

The evidence discloses that neither the St. Louis nor the National League had any provision in their constitution for legislative activities. Such appearances as the St. Louis League may have made before legislative bodies did not constitute any substantial part of their activity.

Business Contributions

The same case was interesting in several ways, and important too, as to the question of a donor deducting a subscription as a business expense. Mr. Smith, a practicing attorney, contributed \$2,500 to the Missouri Institute for Administration of Justice, an organization having as its immediate purpose the establishment by constitutional amendment of a modified appointive method for the selection of judges to take the place of selection by primary and general election. Mr. Smith, it seems, was motivated in making his contribution by civic considerations and also by a desire to protect and improve the practice of law in which he was engaged. The commissioner disallowed the contribution as a donation or charity and the case went before the U. S. Tax Court. The court said:

The educational activities in which the Missouri Institute engaged so successfully were simply one of the means by which the end for which it was organized could be achieved. . . . To hold this organization to have been organized exclusively for educational purposes would be to

distort the fundamental meaning of the term "educational" and enlarge the applicability of section 23 (O) far beyond its intended scope.

The deduction claimed under this section was thus denied, but the court did allow the contribution as an ordinary and necessary business expense on Mr. Smith's income tax return under Section 23 (a) (1) (A).

The logic of the court was: "The business of Mr. Smith was a component element of the administration of justice, and a contribution by him to an organization which promotes the interest of this business by improving the administration of justice should likewise be deductible." (See Reg. 111, Art. 23(a) 5.)

The courts had held earlier, in April 1931, that contributions to the League for Industrial Democracy were deductible. This association conducted research work, gave lectures, held debates and discussions and supplied information concerning economic and social problems. (*Bertha Poole Weyl v. Commissioner of Internal Revenue* (CCA-2) 2 USTC 717-48 Fed (2d) 811.) The court stated: "The fact that this league's aim may or may not resemble that of a political party does not of itself remove it from the category of an association engaged in educational work."

In light of these decisions we may conclude that the law extends the privilege of tax exemption to an organization when "its principal purpose and subsequently all of its activities" are nonpartisan and noncontroversial as well as educational, charitable or civic.

In harmony with the statutes and regulations, judicial decisions have consistently recognized that an association does not cease to be educational solely because its activities at some

point touch the legislative field. The case of the National Tax Association indicates that the commissioner recognizes the distinction between "influencing legislation" and activities which are designed to promote enlightened public opinion even though the latter activities may be intended to have an effect upon legislative processes.

So far we have discussed but one of the methods by which a civic group may seek classification as a tax-exempt organization—as an educational organization entitled to a tax-free existence under Section 101 (6). The Revenue Code, however, provides other methods whereby an organization may be free from federal income tax. Section 101 (7) provides:

The following organizations shall be exempt from taxation under this chapter: business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Likewise Section 23(a) provides that the donor may deduct his subscriptions to such an association "as an ordinary and necessary expense paid or incurred during the taxable year in carrying on his trade or business," provided the donor is in business. (This was cited in the Luther Ely Smith case.)

In 1945 the Commissioner of Internal Revenue held that:

Contributions or dues paid to the "State of R. Taxpayers Association" by businessmen are deductible if it can be shown that such payments have resulted in a reduction of taxes in connection with the operation of

the business or that there is a reasonable expectation that the payments will result in tax benefits to the business commensurate with the amount of the payments. (3745 CB 1945 p89.)

The main object or purpose of the State of R. Taxpayers Association is to bring about through nonpartisan means the greatest possible economies in government consistent with efficiency in the collection and expenditure of public funds in the State of R.

In light of these court decisions and the commissioner's rulings we may conclude that a taxpayer may deduct a contribution to a municipal reform organization or to a taxpayers association as an ordinary and necessary business expense only if the following conditions are met:

1. The donor must have a reasonable expectation of business benefit as a result of his contribution to the taxpayers association;

2. The amount of the contribution must bear some relationship to the benefit derived;

3. The political activities of such an association must be limited to the furnishing of information upon request;

4. Promotion of legislation or opposition to legislation by that association will defeat deductibility of the subscription as an "ordinary and necessary" business expense.

Welfare Groups Exempt

Section 101 (8) grants tax exemption to welfare organizations which are not clearly charitable, educational, scientific or a business league and yet serve patriotic or community purposes for the general good. It therefore exempts from federal income taxation "civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare."

¹The name of this association has not been made public. It is the general policy of the Commissioner of Revenue not to divulge the name of an organization upon which he issues a ruling.

The term civic league seems to have no peculiar significance except perhaps to make clear that coverage is extended to organizations that render an essential public service in advancing the general welfare, peace and order of the community.

The American Legion has been held exempt under Section 101 (8) and so have the Navy and Marine Memorial Associations operated for the promotion of social welfare.

In 1945 the Circuit Court of Appeals reversed the U. S. Tax Court in holding that a corporation conducting a free public radio forum for the dissemination of liberal and progressive social views, and obtaining the withdrawal from commercial activities, was entitled to exemption though organized as a memorial to the late Eugene Debs—even though the radio station also sold time for commercial programs with a view to raising funds for its educational work. (*Debs Memorial Fund, Inc.* (45-1USTC 9258) decided April 12, 1945.)

General Conclusions

What conclusions can be drawn from this survey:

1. The main advantage of a civic organization qualifying with the Revenue Bureau as a tax exempt association is not the fact that its own income is tax-free but that contributions made to it are deductible on the donor's federal income tax returns. The civic association's secretary will undoubtedly be able to raise a much greater amount of money when he is able to assure prospective donors, corporate donors in particular, that they can deduct their contributions or dues or subscriptions on their federal income tax returns. With the return of excess profits taxes to be levied upon corporations, the taxpayers association or other civic group will find much less sales resistance on the part of a busi-

ness corporation in the excess profits tax brackets when it can assure the firm that its contributions are deductible for income tax purposes.

2. Whether the particular taxpayers association or citizens league should try to qualify for tax exemption under Section 101 (6) (educational organizations), Section 101 (7) (business leagues), or under Section 101 (8) (civic leagues) depends upon the particular facts and circumstances surrounding the setup of each organization and its objectives.

3. I believe the rulings and cases show that it has been the fundamental policy of the federal government—that includes the Bureau of Internal Revenue—to encourage by tax exemption those non-profit organizations which seek to promote the general good and welfare of the entire community, as well as those organizations which seek to promote better government for the community, provided the organization renders an essential public service and is neither political, partisan nor engaged in lobbying.

4. If the citizens group really desires to qualify as an educational organization under Section 101 (6), so that a donor can deduct his contribution as a charitable contribution, then it behooves that organization to refrain in its operations from lobbying or propagandizing for or against legislation to any substantial degree. In addition, it is essential that the organization's original charter spell out clearly that its primary objectives are educational and not to influence legislation or the election of candidates.

5. If the primary objective of the organization is political and the substantial activities of the organization are such as to attempt to influence legislation or to bring public opinion in line with its own views on political matters, there is little hope for tha

particular organization qualifying as an educational group under Section 101 (6). Under those conditions it is advisable generally for such an organization to seek to qualify officially as a business league or civic league under Section 101 (7) or Section 101 (8).

But what if that association also has a bona fide educational task to be performed for the good of the community at large, such as research work or distribution of educational literature? Then, possibly its officers can arrange to have another organization, a research organization or educational foundation, formed, whose primary function will be to conduct research and to educate the public. The two organizations can operate side by side, but the following qualifications exist:

- a. The educational foundation must not carry on propaganda to any extent;
- b. It should not attempt to influence legislation or have a legislative program;
- c. It should not assume or publicize the soundness of its own judgment on controversial subjects, but it can present both sides of controversial subjects impartially;
- d. It can act as an information bureau, collecting data and distributing literature, arranging lectures and debates, etc.
- e. The foundation must not intermix its financial operations with those of the civic organization or taxpayers association.

It is my understanding that several citizens leagues have set up affiliated research bureaus or educational foundations that enjoy tax exemption under Section 101 (6).

6. If the civic association really expects to raise a sizeable amount of money, then my advice is: Do not depend upon curbstone opinion or upon an informal ruling from the Collector

of Internal Revenue. In order to obtain official approval as a tax-exempt association the organization is required to file an application (Form 1024) with the Commissioner of Internal Revenue in Washington, D. C., and thereafter file an annual statement on Form 990 with the Collector of Internal Revenue.

7. Civic association secretaries concerned with fund-raising should not overlook one large potential source of funds—bequests from wealthy individuals who are civic minded. (See *Estate of Robert Marshall* 2TC No. 1048.)

ILLINOIS BLUE BALLOT

(Continued from page 91)

tional amendment it may be shortened.

The state courts and the method of selecting judges have not been changed materially in the past century. The bar associations and many lawyers and students of the judicial system would like to see politics taken out of the administration of justice. The tax system is archaic. The constitutional uniformity rule alone makes an honest and effective intangibles tax impossible. The answer to the problem, of course, is the classified property tax, but such a tax is possible in Illinois only by means of constitutional change.

All the work and energy devoted to the Gateway campaign represents only a start in the direction of better state and local government in Illinois. The renovation of the state constitution still lies ahead. The Gateway amendment is conservative; the amending process is still difficult. The gate is still padlocked, but at least the people now have a key.

It behooves them to use it.

Researcher's Digest Edited by John E. Bebow

University Bureau Heads Talk Shop

Improving State and Local Government Buffalo Theme

EDITOR'S NOTE: Report by William F. Larsen, University of Florida, on a panel discussion at the National Conference on Government of the National Municipal League in Buffalo, November 20, 1950.

FORTY-SEVEN people, including 22 members of an especially invited panel of representatives from 21 universities, attended a discussion of "University Services and the Improvement of State and Local Government" in Buffalo on November 20, 1950. The chairman, York Willbern of the University of Alabama, noted the wide representation across the United States from Maine to California and from Washington to Florida with ample representation between these distant points.

Stuart MacCorkle, of the University of Texas, opened with a discussion of the problem of getting university staff members closer to the persons in state and local government. He raised the question of how the university can find out what local governments want. The Institute of Public Affairs of the University of Texas has a three-point approach, he said: research, service, training.

Harvey Walker, of Ohio State University, suggested that the university's function was that of a clearing house or broker in dealing with the problem. Dr. Willbern pointed out the difficulty of attracting professors into field work when no material for articles or books could be promised.

William Ronan, New York University, said that New York Univer-

sity is considering giving recognition for field work even though it does not result in work appearing in learned publications.

James Donoghue, University of Wisconsin, said that the criterion at Wisconsin for publications in the state and local field was simply whether the work would be found later on the desk of a local agency or official and in use.

The question of "experts vs. the practical men" was debated at some length with no clear-cut result.

The issue of the extent to which university services are sought out and utilized by public officials received several comments. Winston W. Crouch of the University of California indicated that state agencies in California come to the university for reports and that staff members receive credit for work done. George D. Braden of the Yale University Law School said that law students at Yale were being brought into public legal aid work and John M. Kernochan of Columbia University thought that law schools might do more bill drafting for legislatures.

John W. Agnew, Northeastern University, Boston, reported that the bankers in Massachusetts who lend money to the cities asked Northeastern University to have a short course set up to train city and other public financial officers. He said the work had been successful in improving the quality of local fiscal services through better trained fiscal officers.

Mr. Donoghue told how off-campus activities in political science at the University of Wisconsin have been put in the Extension Division, but that there is close contact between the resident department on the campus and the work off-campus.

In discussion on where universities should put program emphasis in local government work, it was generally agreed that university bureaus and staff members should stay out of actual operations and be prepared to withdraw once facts and studies have been adequately presented.

Christian L. Larsen of the University of Maryland supported a close connection between the university and the state league of cities. He felt that in this way the university's research was more likely to be put into use and that it served to keep the thinking of the academic and research staffs geared to the practical thinking of local officials.

Official Technical Service

Gerald W. Shaw of the University of Tennessee spoke of the work of the Municipal Technical Advisory Service of the university in his state. This new university adjunct is officially sponsored by statute and financed from the sales tax and general fund in Tennessee. Two kinds of service are rendered—expert advice and publications. This service does not use students but has its own professional staff. In effect, it represents the cities' own program for tying into the university. The Tennessee Municipal League is recognized in the legislative act as the spokesman for the cities. Principal agencies of the university are represented on its advisory council.

The problem in Pennsylvania was referred to by Charles F. LeeDecker of Pennsylvania State College, who indicated that there were six leagues of cities in that state and all were tied into the research in government done by the university. He said there were times when the cities actually did not want material collected by the university released and there were some research projects which were actively opposed on occasion.

James W. Miller of Michigan State College spoke to the point of opportunities in adult education in the field of government and indicated that follow-up of training courses and the like is of primary importance. Michigan has instituted some mobile workshops and is also turning to summer workshops because of the demand on the part of state and local officials.

Southern Methodist, through W. E. Benton, reported good attendance and success in a course for county officials and Donald H. Webster, of the University of Washington, said that more than one thousand people attended the summer Institute of Government at the University of Washington.

Kirk H. Porter of the State University of Iowa warned of the dangers of getting university bureaus and staff too deeply involved in action programs as the result of surveys and recommendations.

Edward W. Weidner of Michigan State College said that the impact of university work on officials depended on several things: (1) whether the research was applied or theoretical; (2) whether the officials were elected or appointed; (3) personal relationships with officials. In developing a bureau of government research he felt that it should be responsible to the staff of the political science department and that the staff should work both in the bureau and in teaching.

Mr. Ronan of New York University offered the results of several years with a three-part program at that institution: (1) the training program for public officials which has been going on for some thirteen years has achieved good results; (2) the practical approach by way of masters' theses had proved productive for research; (3) a group project employing eight to ten good students on one topic supervised by project director has worked well.

Dr. Willbern closed the meeting with the observation that in his experience the universities inevitably learn as much from the officials as they are able to impart.

Research Pamphlets and Articles

Assessments

The Effect of County Equalization on City Revenues. Schenectady 5, New York, Bureau of Municipal Research, *Research Brevities*, December 20, 1950. 3 pp.

Budgets

Coming Up—1951 Budgets. Statements Made at Budget Hearings of the City of Chicago, Sanitary District of Chicago, Chicago Board of Education, Chicago Park District, Cook County. (*Bulletins* 353, 356, 357, 359, 360, 361.) Chicago 2, The Civic Federation, 1950. 7, 9, 6, 5, 5, 8 pp. respectively.

The Impact of Inflation. The League Reviews the School and the City Budgets for 1951. Pittsburgh 22, Pennsylvania Economy League, Western Division, *Newsletter*, November-December 1950. 14 pp.

Mounting County Budgets. Syracuse 2, Governmental Research Bureau, *Your Government*, December 2, 1950. 4 pp. Charts.

The 1951 City Budget. Waterbury 2, Connecticut, Taxpayers' Association, *Governmental Briefs*, December 13, 1950. 5 pp.

Charters

Miami's Charter Needs Revision. Miami 32, Dade County Research Foundation, *News Letter*, December 8, 1950. 3 pp.

Two City Charter Drafts. Part I, Mayor-Council Form of Government, Part II, Council-Manager Form of Government. By Victor C. Hobday, Lee S. Greene and Gerald W. Shaw.

Knoxville, University of Tennessee Bureau of Public Administration and the Municipal Technical Advisory Service, in cooperation with the Tennessee Municipal League, 1950. 86 p.

Constitutions

A New Constitution for Connecticut—Part II.¹ By George D. Brade and Fred V. Cahill, Jr. Hartford State Bar Association, *Connecticut Bar Journal*, September 1950. 59 pp.

Courts

Some Questions About Our Courts. By Francis H. Heller. Lawrence University of Kansas, Bureau of Government Research, *Your Government*, December 15, 1950. 4 pp.

Crime Prevention

Police Crime Prevention Activities. By William H. Wilcox. New York 20, Governmental Research Association, *GRA Reporter*, November-December 1950. 2 pp.

Education

Proposed Single Salary Schedule for Chicago Teachers. Chicago 2, The Civic Federation, *Bulletin*, December 1950. 12 pp.

Salary Increases for School Employees. Schenectady 5, New York Bureau of Municipal Research, *Research Brevities*, December 22, 1950. 1 p.

Teachers' Salaries in 17 Cities Over 500,000 Population. Chicago 2, The Civic Federation, *Bulletin*, November 1950. 11 pp.

Governors

Arthur T. Hannett, Governor of New Mexico. By Robert Thompson and Charles Judah. Albuquerque University of New Mexico, Department of Government, Division of Research, 1950. 34 pp.

Immigration

People. Toronto 5, Citizens Research Institute of Canada, *Effective Government*, December 15, 1950. 6 pp.

¹For a listing of Part I see the REVIEW, October 1950, page 475.

Intergovernmental Relations

To the Five Local Taxing Bodies in the City of Milwaukee on a Joint Capital Improvement Program Committee. Milwaukee 2, Citizens' Governmental Research Bureau, *Bulletin*, October 5, 1950. 4 pp.

Interstate Cooperation

INCodel — An Interstate Coordination Agency. Philadelphia, Bureau of Municipal Research, *Citizens' Business*, December 11, 1950. 3 pp.

Legislative Bodies

Annual vs. Biennial Legislative Sessions. Springfield, Illinois Legislative Council, 1950. 40 pp.

How the Illinois Legislature Operates. Chicago 2, The Civic Federation, *Bulletin*, December 1950. 6 pp.

Legislative Councils

Fourth Biennial Report 1949-1950. Jefferson City, General Assembly of the State of Missouri, Committee on Legislative Research, 1950. 26 pp.

Legislative Research in Kentucky. First Biennial Report 1948-1950. Frankfort, Legislative Research Commission, 1950. 81 pp.

Report for 1949-1950 of the Illinois Legislative Council. Springfield, Illinois Legislative Council, 1950. 31 pp.

Noise Abatement

Swarthmore Regulates Sound Trucks But With Caution. Philadelphia 4, University of Pennsylvania, Associated Institutes of Government of Pennsylvania Universities, *Municipal Administration*, December 1950. 3 pp.

Parole

Indeterminate Sentence and Parole Laws. Springfield, Illinois Legislative Council, 1950. 59 pp. Tables.

Personnel

Can New Charter Require County Civil Service? Philadelphia, Bureau of Municipal Research, *Citizens' Business*, December 25, 1950. 3 pp.

Police

One-Man Patrol Cars. Buffalo 2,

Municipal Research Bureau, *Just a Moment*, December 14, 1950. 3 pp.

Police Fatalities Throw Light on Patrol Methods. By Robert H. Kirkwood and Bruce Smith. (Reprinted from the *FBI Law Enforcement Bulletin*, November 1950.) New York 20, Governmental Research Association, 1950. 3 pp.

Planning

Towards Better Public Improvement Programming. Baltimore 2, Commission on Governmental Efficiency and Economy, *Your Tax Dollar*, December 1950. 4 pp.

Public Opinion

Measuring Newspaper Readership. Critique and Experiment. College Park, University of Maryland, College of Business and Public Administration, Bureau of Business and Economic Research, *Studies in Business and Economics*, December 1950. 8 pp.

Public Welfare

Utah's Public Welfare Program and the 1950 Social Security Amendments. Salt Lake City 1, Utah Foundation, 1950. 3 pp.

Welfare Spending Rises as Other Costs Checked. Los Angeles 15, Property Owners Association of California, *Tax Facts*, December 1950. 2 pp.

Salaries

Salaries of State Employees: Missouri and Selected States. Jefferson City, General Assembly of the State of Missouri, Committee on Legislative Research, 1950. 68 pp. Tables.

State Payrolls. Santa Fe, Taxpayers' Association of New Mexico, *New Mexico Tax Bulletin*, December 1950. 15 pp.

Snow Removal

Report on Snow Removal. Cleveland, The Citizens League, *Greater Cleveland*, December 20, 1950. 4 pp.

Social Security

Missouri's Old Age Assistance Program and the National Emergency.

Jefferson City, Missouri Public Expenditure Survey, December 1950. 7 pp.

Pension Legislation for Public Employees in New Jersey. New Brunswick, Rutgers University, Bureau of Government Research, December 1950. xii, 59 pp. 50 cents.

Unemployment Compensation in Rhode Island. By Henry W. Stevenson, Jr. New York 20, Governmental Research Association, *GRA Reporter*, November-December 1950. 4 pp.

Taxation and Finance

Five Year Changes in Local Taxes. Des Moines 9, Bureau of Municipal Research, *Bulletin*, December 18, 1950. 1 p.

How Schenectady Compares in Allocating Its Operating Expenses. Schenectady 5, New York, Bureau of Municipal Research, *Research Newsletter*, December 28, 1950. 1 p.

Municipal Finance.¹ A Report Prepared by the Civic Advisory Council of Toronto, Committee on Municipal-Provincial Relations, W. F. Loughheed, Chairman. Toronto, University of Toronto Press, 1950. 185 pp. \$3.50.

Payroll Tax: the Louisville Experience. By James W. Martin. Knoxville, University of Tennessee, Municipal Technical Advisory Service, *Tennessee Town and City*, December 1950. 4 pp.

Property Taxes in Indiana Counties. Indianapolis 4, Indiana Taxpayers Association, December 26, 1950. 8 pp. Tables.

Revenue Administration. (Staff Report) Detroit 26, Michigan Joint Legislative Committee on Reorganization of State Government, 1950. 44 pp.

Review of 1950 Tax Year. Madison 3, Wisconsin Taxpayers Alliance, *The Wisconsin Taxpayer*, December 1950. 4 pp.

State Expenses Increase But Revenue Declines. Helena, Montana Taxpayers' Association, *Montana Taxpayer*, December 1950. 3 pp.

Taxable and Tax Exempt Property. Valuations for 1950-51 Reported. By Richard Winter. **Tax Rates of California Cities.** Los Angeles 14, California Taxpayers' Association, *The Tax Digest*, December 1950. 8 and 5 pp. respectively.

Taxes (1951 Edition). An up-to-date dictionary of all state and federal taxes levied in Wisconsin—state and federal income tax guide. Madison 3, Wisconsin Taxpayers Alliance, 1950. 64 pp. 25 cents.

Texas Property Taxes 1949. By Lynn F. Anderson. Austin, University of Texas, Institute of Public Affairs, 1950. 128 pp. Tables. \$2.

Why Increased Expenditures? Providence, Governmental Research Bureau, *Bulletin*, November 1950. 3 pp.

Traffic

Traffic Progress. Newark 2, Bureau of Municipal Research, *Memo*, December 8, 1950. 2 pp.

Transit

Completion of 1947 Railway Rehabilitation Program. San Francisco, Bureau of Governmental Research, December 5, 1950. 1 p.

¹For a listing of a preliminary edition of this volume see the REVIEW, March 1950, page 165.

Books in Review

A Half Century of Municipal Reform. By Frank Mann Stewart. Berkeley and Los Angeles, University of California Press, 1950. xi, 289 pp. \$5.

The editors of the REVIEW have allowed me a maximum of 600 words for this comment. With such a limit I might be well advised to content myself with something like this: "The full title of this book is *A Half Century of Municipal Reform: The History of the National Municipal League*. The key word in this title is the first 'The'. This is it. Nobody will need to say anything more on this subject for many, many years." But let's look just a little further, in the 500 words left.

This is one of the best organized studies I have seen in a long time. The ten chapters (excepting the last) are set up each with a generous number of subheads, which appear in the table of contents. The result is that one can see what he is about to read before he reads it. He can also find what he is looking for without searching through the whole book.

The volume is heavily documented: there are 40 pages of footnotes, which appear at the end of the book rather than page by page. Somebody deserves to be complimented on this piece of rare judgment. A page-by-page arrangement of such a number of footnotes would have destroyed completely the continuity of the text. There is a 29-page bibliography, which includes, I am informed, the only complete and systematic listing of all the League's publications. Finally, there is an eleven-page index which I found extremely useful.

One might mention, indeed should mention, the fact that the publisher on his part has done a first-rate job. The book is a big one, but does not appear to be so: the pages are full,

but not crammed; and the volume presents an attractive appearance.

In content, and as indicated in the opening strains, the book covers its subject thoroughly. From the spoils era, from which, according to the author, the municipal reform movement grew, to the first meeting in Philadelphia in 1894 and the subsequent meetings which culminated in the National Municipal League, to the several programs proposed by the League in solution of the myriad problems confronting the cities, to the varying fortunes of the League and its vicissitudes in carrying on—the whole story is here. It is a story told with honesty, forthrightness and thoroughness, and with a regard for care in detail which is nothing short of amazing.

One who had seen an early copy of this book remarked to me, "It's a carefully done job, but from its style nobody would mistake the author for a newspaper columnist." That's right: Stewart is not Winchell, nor has he written a Gilbert and Sullivan libretto. But if he has done less, he has also done more: he has produced an extremely useful history (with no small percentage of analysis thrown in) of the forging of democracy down where people live.

What is the value of such a study? Well, for one thing, the author has equated the National Municipal League with municipal reform—and who will question the need for knowing something about the reform movement if one is to understand our local institutions today? For another, many of the things we talk about today have a strangely reminiscent ring in light of the evidence adduced here. There is nothing—or at any rate, not much—new under the municipal sun: the volume at hand will impress that fact on the reader again and again.

The essence of the book is to be found in its last paragraph (page 200): "The National Municipal League is a school of thought that stabilizes reform along sound and practical lines; it represents the consensus of opinion of thinking people as to what local government should be. It has been and is the heart of the municipal reform movement in the United States." Frank Stewart has made his case, and made it very well.

ROSCOE C. MARTIN

Syracuse University

Public Administration in a Democratic Society. By W. Brooke Graves. Boston, D. C. Heath and Company, 1950. xvi, 759 pp. \$6.

This volume is a useful addition to the texts in the field. Graves begins with a brief description of the general pattern of administrative organization at the federal, state and local levels and a chronicle of attempts at administrative reorganization. In subsequent chapters he develops the traditional concepts of administrative theory relating to organization, in which he relies chiefly upon the classical works in the field by such commentators as Gullick, Gaus, MacMahon and Dimock. The later contributions of the sociologists and anthropologists are not considered. A concise chapter on inter-governmental relations and a chapter on field office problems round out the first part of the book.

The second part of the work is given over to personnel management. Here the treatment stresses the procedural aspects of personnel administration with considerably more detailed description of recruiting techniques, the placement process, counselling and the types of training than one usually expects in a survey text. The author's own experience in the federal government probably accounts for the heavy

reliance in this section on federal experience. The amount of detailed information included on personnel procedures tends to overshadow consideration of the broader problems of developing and maintaining a responsible bureaucracy in democratic society.

The third section, that on fiscal management, is, in this reviewer's opinion, the best section of the book. Here Graves describes especially well and more fully than other texts, the processes of fiscal management. Not only is budgeting considered but the collection and custody of funds, disbursement and the accounting and auditing functions as well. Other texts have generally been lacking in adequate consideration of this phase of public management.

The fourth section of the book deals with internal problems of management and supervision and includes a chapter on leadership in administration. The fifth and last section covers the forms of administrative action and administrative adjudication. The two concluding chapters deal with democratic controls over administration and public relations respectively.

Throughout, the treatment is descriptive rather than interpretive, and the book's chief distinction is its comprehensiveness rather than its incisive analysis of the administrative process. Its approach is traditional. It is conveniently organized and well documented. Like most texts in the field there is a heavy emphasis on staff activities. For the beginning student or the otherwise uninitiated the book offers a systematic factual introduction to public administration. To scholars in the field it offers no new insights but that was not the author's purpose in writing it.

WILLIAM J. RONAN, *Director*
Graduate Division of Public Service
New York University

Transit Modernization and Street Traffic Control. By John Bauer and Peter Costello. Chicago, Public Administration Service, 1950. xiii, 271 pp. \$5.

Dr. Bauer, who has dealt extensively with problems of electric utility control and utility regulation generally, turns his attention in this book to questions of urban mass transportation. It is prepared in collaboration with Peter Costello, accounting and statistical associate. It stresses the role of mass transportation as a primary means of alleviating street congestion by a multitude of private passenger cars and proposes common control for public transit and general street traffic. The latter is not dealt with in detail, however; the book is almost entirely about public transportation and efforts to make it more attractive and to draw patronage from private cars.

The authors take a somewhat controversial stand for complete substitution of modern buses for street railways and even for electric trolley coaches, with rapid transit subways correlated to surface buses in the largest cities.

Municipal as against state regulation is advocated, with a much greater scope and intensity of control if not complete municipal ownership and operation; the control to extend over all street traffic, with continuing study and planning of transportation and street utilization in the light of community needs.

H. M. O.

Additional Books and Pamphlets

(See also Researcher's Digest and other departments)

Adult Education

Education for Aging. A Symposium. By Clark Tibbits, Wilma Donahue, etc. Cleveland 14, American Associ-

ation for Adult Education, *Adult Education*, December 1950. 39 pp.

Child Welfare

Child Welfare Laws of Kentucky.

A compilation of the chapters and sections of *Kentucky Revised Statutes* which treat children as a special class. Frankfort, Kentucky Legislative Research Commission, 1950. vi, 198 pp.

Debt

Governmental Debt in 1950. Washington 25, Department of Commerce, Bureau of the Census, 1950. 10 pp.

Defense

Financing Defense. Is an Excess Profits Tax the Solution? New York 20, Committee on Postwar Tax Policy, 1950. 27 pp.

Paying for Defense. A Statement on National Policy by the Research and Policy Committee. New York 22, Committee for Economic Development, 1950. 43 pp.

Renegotiation of Defense Contracts. A Statement of the Business Committee on National Policy. Washington 6, National Planning Association, 1950. 16 pp. 15 cents.

Education

The Functions of State Departments of Education—with an Inventory of the Services Provided by the 48 Departments. By Fred F. Beach. Washington 25, U. S. Government Printing Office, Superintendent of Documents, 1950. ix, 70 pp. Tables, charts. 40 cents.

Improving Economic Understanding in the Public Schools. The Story of a New Movement on the Part of School and Community Leaders. By James T. Howard. New York 22, Committee for Economic Development, 1950. 16 pp.

Federal Reorganization

Reorganizations in the Executive Branch of the Government. Report of the Committee on Expenditures in the Executive Departments. Washington, U. S. Government Printing

Office, Superintendent of Documents, 1950. 83 pp.

Metropolitan Areas

Governing Our Metropolitan Areas. By Eric Hardy. Toronto, Citizens' Research Institute of Canada, 1950. 4 pp.

Motor Vehicles

A Comparative Study of West Virginia Motor Laws with the Uniform Vehicle Code. Charleston, West Virginia Commission on Interstate Cooperation, 1950. 55 pp.

Municipal Government

Cleveland—Your City and Mine. An Activities Report to the People of Cleveland from the Mayor and Council. Cleveland, Office of the Mayor, 1950. 96 pp. Illus.

Nuisances

"There Ought to be a Law Against. . ." By the Kansas City Departments of Fire, Health, Public Works, Welfare. Kansas City, Missouri, City Manager's Office, 1950. 16 pp.

Parking

Private Enterprise in the Parking Field. By John F. Hendon. Washington 6, Urban Land Institute, *Urban Land*, November 1950. 5 pp.

Population

Population of State Economic Areas: April 1, 1950. Washington 25, Department of Commerce, Bureau of the Census, 1950. 7 pp.

Projected Population—Detroit Region Development Areas 1960 and 1970. By Paul M. Reid. Detroit 26, Detroit Metropolitan Area Regional Planning Commission, 1950. 24 pp. Charts, tables.

Public Health

Your Best Buy. By Federal Security Agency, Public Health Service. Washington 25, U. S. Government Printing Office, Superintendent of Documents, 1950. 6 pp. Illus. 5 cents.

Public Relations

The Individual Fireman's Responsibility in Public Relations. By Committee on Fireman's Training. Boston 10, National Fire Protection Association, 1950. 20 pp. 35 cents.

Recreation

Recreation in California. Compilation of Laws Relating to Recreation (Revised 1950.) By State of California Recreation Commission. Sacramento 14, State Printing Office, Documents Section, 1950. 197 pp. \$1.03.

Rents

Survey of Residential Rents and Rental Conditions in the State of New York. By Joseph D. McGoldrick. Albany, Temporary State Housing Rent Commission, 1950., xvi, 365 pp. Tables.

Streets and Highways

The Story of American Roads. By Val Hart. New York, William Sloane Associates, 1950. 243 pp. \$3.

Taxation and Finance

Facts and Figures on Government Finance 1950-1951. (Sixth Edition.) New York 20, Tax Foundation, 1950. xiv, 209 pp. \$2.

An Introductory Study of School Finance in West Virginia. Report by the West Virginia Commission on Interstate Cooperation and the Joint Committee on Government and Finance. Charleston, the Commission 1950. 31 pp.

Talk About Taxes. Trenton, Educational Planning Commission of New Jersey, 1950. 34 pp. (Apply Frederick W. Branca, 200 Stacy-Trent Hotel Trenton.)

Total Tax Collections in 1949. New York 7, Tax Institute, *Tax Policy* November 1950. 8 pp. 25 cents.

Traffic Safety

Operation Safety. Program Kit on Traffic Safety Promotion for February 1951. Theme: **Know and Obey Traffic Laws.** Chicago, National Safety Council, 1951. Variously paged.

Pick 'All-American Team of Cities'

Eleven communities whose citizens fight for good government have been picked by a jury of municipal experts as "All-American Cities of 1950," an Associated Press report.

The story originated with *The Minneapolis Tribune*, which sent able Reporter Rolf Felstad to the National Conference on Government at Buffalo to repeat the stunt begun a year earlier at the St. Paul conference by Jean Ames, who stayed home this time to get married.

A jury of authorities on municipal affairs selected the 1950 "team" on the basis of their display of civic competence, governmental progress or the willingness of citizens to, as Felstad put it, get "mad enough to fight for governments by the people." The jury, recruited from among the delegates attending the conference, was made up of the following:

Alfred Willoughby, secretary, National Municipal League; Harold S. Attenheim, editor, *The American City*; Lawrence Pelletier, Bowdoin College, Brunswick, Maine; Ronald E. Gregg, executive secretary, Toledo Municipal League; Dr. and Mrs. Thomas H. Reed, municipal consultants, Wethersfield, Connecticut; Stuart A. MacCorkle, director, Institute of Public Affairs, University of Texas; Forest Frank, executive director, City Charter Committee, Cincinnati; John E. Bebout, assistant secretary, National Municipal League; Louis Brown, secretary, Governmental Research Association; Allen Seed, Jr., director of field services, National Municipal League; and Dayton D. McKean, Dartmouth College, Hanover, New Hampshire.

1950 Winners

CINCINNATI—Approved big building program at a penny a day per home owner.

HARTFORD—Formed junior city council after adoption of a new charter.

KANSAS CITY—Formed permanent citizens group to "keep the rascals out."

MONTCLAIR, N. J.—Where citizens are still not tired after sixteen years of fighting for a modern charter.

MONTGOMERY COUNTY, Md.—Efficiently governs both urban and rural areas.

NEW ORLEANS—Won right to draft home rule charter despite hostile Long state machine.

PHOENIX—Fixed bad charter, hired expert manager, turned \$400,000 deficit into surplus.

PORTLAND, Me.—Established neighborhood "town meetings" to stimulate civic understanding.

RICHMOND—Originated "Gold Feather Day" to turn out vote—35,000 instead of the old 3,000.

TOLEDO—Paid off debt, renovated city with payroll tax.

YOUNGSTOWN, Ohio—Kicked out racketeers.

Suffrage Pioneer Dies

Mrs. F. Louis Slade, early campaigner for woman's suffrage and a founder of the League of Women Voters, died January 12 at her home in New York three days after she presented the last of Carrie Chapman Catt's records to the Library of Congress. Mrs. Slade was an active member of the National Municipal League for many years. She was an honorary vice president at the time of her death.

Women Coached on State Problem

At the request of the League of Women Voters of Maryland the National Municipal League assembled experts on state government to consult with Maryland civic leaders on constitutional revision at a special dinner in conjunction with the meeting of the American Political Science Association in Washington, December 29.

The group included men who played leading roles in winning new constitutions in New York, New Jersey and Missouri and others concerned with similar movements elsewhere.

Mrs. Joseph Hirschmann, president of the League of Women Voters, quizzed the group on how to make the most of the opportunity to modernize Maryland's patchwork constitution through the convention for which the people voted in November.

The importance of electing to the convention persons who would approach controversial issues with a single-minded determination to arrive at solutions which would best serve the public rather than special interests was emphasized. It was pointed out that recent experience indicates a tendency for members of a constitutional convention to recognize that they have a special responsibility to take the long view of statesmanship rather than the short view of immediate political advantage. This tendency is strengthened if the citizens are organized to see to it that there is full and informed discussion on important matters, both before and during the convention, the consultants said.

During the last year the League has had extensive correspondence with Marylanders working for revision, and

Richard S. Childs and John E. H. of the League's staff have been to Baltimore to speak at public meetings and confer with civic leaders.

Discuss Program for '51 Conference

Political scientists who specialize in state and local government and problems of citizenship put a high value on the National Municipal League's National Conference on Government, because it gets political scientists, leaders and public officials together to discuss practical problems.

This was made clear at a round discussion with fifteen political scientists at a dinner conference December 29, the annual meeting of the American Political Science Association in Washington.

The League called the group together to discuss the program of the 1951 National Conference on Government. The conference will probably be held in Ohio, at the request of civic leaders who feel it would help set the stage for the vote on a constitutional convention in 1952. Because of this and the fact that there is active interest in reorganization or constitutional revision in more than half the states, the 1951 conference is expected to have more than usual emphasis on practical problems.

The invitation calling the group together in Washington pointed out that an essential function of the League is to help citizens who want to put practical findings of political science to work in their home states and communities.